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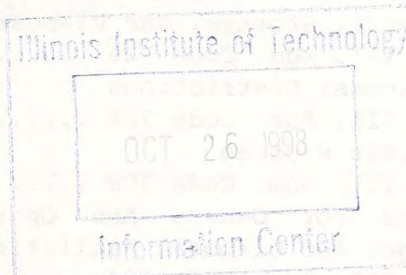
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Index Department
Administrative Code Div.
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Springfield, IL 62756
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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Access to Information

2) Code Citation: 2 Ill. Adm. Code 1276

3) Section Numbers: Proposed Action:

1276.110	Repealed
1276.120	Repealed
1276.210	Repealed
1276.220	Repealed
1276.310	Repealed
1276.320	Repealed
1276.410	Repealed
1276.420	Repealed
1276.510	Repealed
1276.520	Repealed
1276.530	Repealed
1276.App. A	Repealed
1276.App. B	Repealed

4) Statutory Authority: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

5) A Complete Description of the Subjects and Issues Involved: Part 1276 is being repealed and replaced by 2 Ill. Adm. Code 1176.

6) Will this proposed repealer replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED REPEALER
TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER XXIV: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

PART 1276
ACCESS TO INFORMATION
(REPEALED)

SUBPART A: INTRODUCTION

Section
1276.110 Summary and Purpose
1276.120 Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section
1276.210 Person to Whom Requests Are Submitted
1276.220 Form and Content of Request

SUBPART C: PROCEDURES FOR DEPARTMENT RESPONSE
TO REQUESTS FOR PUBLIC RECORDS

Section
1276.310 Timeline for Department Response
1276.320 Categories of Department Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section
1276.410 Appeal of a Denial
1276.420 Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section
1276.510 Inspection of Records at Department Offices
1276.520 Copies of Public Records
1276.530 General Materials Available from the Freedom of Information Officer

APPENDIX A Request for Public Records

APPENDIX B Fee Schedule For Duplication of Public Records

AUTHORITY: Implementing and authorized by the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Adopted at 8 Ill. Reg. 12069, effective July 1, 1984; repealed at 22

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED REPEALER

Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 1276.110 Summary and Purpose

- a) This Part is established to implement the provisions of the Freedom of Information Act (Supp. to Ill. Rev. Stat. 1983, ch. 116, par. 201 et seq.). The purpose of these rules is to support the policy of providing public access to the public records of the Department of Alcoholism and Substance Abuse while protecting legitimate privacy interests and maintaining administrative efficiency.
- b) These rules establish the procedure by which the public may request and obtain public records of the Department of Alcoholism and Substance Abuse. The rules also set forth the procedures to be followed by the Department of Alcoholism and Substance Abuse in responding to requests for information.

Section 1276.120 Definitions

- a) Terms shall have the same meaning as in the Freedom of Information Act, the Alcoholism and Substance Abuse Act (Supp. to Ill. Rev. Stat. 1983, ch. 111 1/2 par. 6301 et seq.), and in rules promulgated under the Alcoholism and Substance Abuse Act (77 Ill. Adm. Code 2030).
- b) The following definitions are applicable for purposes of these rules:
- "Act" means the Alcoholism and Substance Abuse Act, (Supp. to Ill. Rev. Stat. 1983, ch. 111 1/2, par. 6301 et. seq.).
- "Department" means the Department of Alcoholism and Substance Abuse, created by the Act.
- "Director" means the Director of the Department of Alcoholism and Substance Abuse.
- "FOIA" means the Freedom of Information Act (Supp. to Ill. Rev. Stat. 1983, ch. 116, par. 201 et seq.).
- "Freedom of Information Officer" means an individual responsible for receiving and responding to requests for public records.
- "Requestor" means a person who submits a request for public records in accordance with these rules.

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 1276.210 Person to Whom Requests Are Submitted

Requests for public records shall be submitted to the Department of Alcoholism and Substance Abuse Freedom of Information Officer. Requestors shall address all requests for public records to the Department's central office, attn: Freedom of Information Officer (FOIA request).

Section 1276.220 Form and Content of Request

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

- a) All requests for public records submitted to the Department under the FOIA shall be in writing. Such request may be submitted on FOIA request forms provided by the Department. (See Appendix A of these rules)
- b) The requestor shall include the following information in any request for public records:
- 1) The requestor's full name, mailing address and telephone number, including area code, at which the requestor can be reached during normal business hours.
 - 2) A description of the public records sought, being as specific as possible.
 - 3) Whether the request is for inspection of public records, copies of public records, or both.

SUBPART C: PROCEDURES FOR DEPARTMENT RESPONSE
TO REQUESTS FOR PUBLIC RECORDS

Section 1276.310 Timeline for Department Response

- a) The Department shall respond to a written request for public records within seven working days after receipt of such request.
- b) In the event that the request for public records cannot be responded to within seven days for one of the reasons provided in Section 3(d) of the FOIA, the Department shall have an additional seven working days in which to respond. The Department shall give the requestor notice of the extension of time to respond. Such notice of extension shall set forth the reasons why the extension is necessary.

Section 1276.320 Categories of Department Responses

- a) The Department shall respond to a request for public records in one of three ways:
- 1) Approve the request.
 - 2) Approve in part and deny in part.
 - 3) Deny the request.
- b) When a request for public records has been approved, the Department may give notice that the requested material will be made available upon payment of reproduction costs, or give notice of the time and place for inspection of the requested material.
- c) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of the FOIA and the names and titles of persons responsible for the decision to deny the request. The denial shall also inform the requestor of the right to appeal to the Director of the Department.
- d) Categorical requests that place an undue burden on the Department shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable

DEPARTMENT OF HUMAN SERVICES

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- proportions in accordance with Section 3(f) of the FOIA.
- e) Failure to respond to a written request within seven working days may be considered by the requestor as a denial of the request.

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 1276.410 Appeal of a Denial

- a) A requestor whose request for public records has been denied by the Freedom of Information Officer may appeal the denial to the Director. The notice of appeal shall be in writing and shall be addressed to the Department's central office, attn: Director (FOIA Appeal).
- b) The Notice of Appeal shall include a copy of the original request, a copy of the denial received by the requestor, and a written statement setting forth the reasons why the requestor believes the appeal should be granted.

Section 1276.420 Director's Response to Appeal

The Director shall respond to an appeal within seven working days after receiving Notice thereof. The Director shall either affirm the denial or provide access to the requested public records. Failure of the Director to respond within seven working days may be considered by the requestor an affirmation of the denial.

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section 1276.510 Inspection of Records at Department Offices

- a) Generally, public records will be made available for inspection at the Department's central office between the hours of 8:30 a.m. and 5:00 p.m. Monday through Friday, except on state holidays. A place will be provided in which the requestor may inspect public records.
- b) An employee of the Department may be present throughout the inspection.
- c) A requestor shall not be permitted to take a briefcase, folder or other similar materials or pens into the room in which the inspection will take place.
- d) A requestor will be permitted to take pencil and paper into the room while inspecting public records.
- e) Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. Generally, all copying will be done by Department employees.

Section 1276.520 Copies of Public Records

- a) Copies of public records shall be provided to the requestor only upon payment of any charges that are due.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED REPEALER

- b) Charges for copies of public records shall be assessed in accordance with the "Fee Schedule for Duplication of Public Records" set forth in Appendix B of these rules.
- c) Charges shall be waived if the requestor is a State agency, a constitutional officer or a member of the General Assembly.
- d) Payment shall be made by check or money order payable to the State of Illinois.

Section 1276.530 General Materials Available from the Freedom of Information Officer

The Freedom of Information Officer shall make available to the public at no charge the following materials:

- a) A brief description of the organizational structure and budget of the Department of Alcoholism and Substance Abuse;
- b) A brief description of the means for requesting information and public records; and
- c) A list of types and categories of public records maintained by the Department of Alcoholism and Substance Abuse.

DEPARTMENT OF HUMAN SERVICES
NOTICE OF PROPOSED REPEALER

Section 1276.APPENDIX A Request for Public Records

TO: FROM:

Freedom of Information Officer
Department of Alcoholism and
Substance Abuse

300 North State Street, Suite 1500
Chicago, Illinois 60610

NAME

ADDRESS

TELEPHONE

DESCRIPTION OF REQUESTED RECORD(S):

Please indicate if you wish to inspect the records identified above or wish to copy them:

Inspect

Copy

Both

FOR OFFICE USE ONLY:

Date Received

Date Response Due

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Section 1276.APPENDIX B Fee Schedule For Duplication of Public Records

Type of DuplicationPer Copy Charge

Paper copy from paper original

\$.25

Computer printout-paper-per page

.50

Some records in the possession of the Department are in book or pamphlet form. A charge may be assessed for such materials based on the cost incurred by the Department for such materials.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

1) Heading of the Part: Americans with Disabilities Act Grievance Procedure2) Code Citation: 4 Ill. Adm. Code 3003) Section Numbers: Proposed Action:

300.10 New Section

300.20 New Section

300.30 New Section

300.40 New Section

300.50 New Section

300.60 New Section

300.70 New Section

300.80 New Section

4) Statutory Authority: Implementing Section 80-30 of Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II Regulations (28 CFR 35), and authorized by the Civil Administrative Code of Illinois [20 ILCS 5/16].5) A Complete Description of the Subjects and Issues involved: The ADA Grievance Procedure has been identified as an overlapping rule inherited by DHS from the six legacy agencies. Changes to the rule will combine terms and definitions used in various prototypes.6) Will this proposed rule replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed rule contain incorporations by reference? No9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Rule begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

TITLE 4: GRIEVANCE PROCEDURES
CHAPTER IX: DEPARTMENT OF HUMAN SERVICESPART 300
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	Purpose
300.10	Definitions
300.20	Procedures
300.30	ADA Coordinator Review
300.40	Secretary Review
300.50	Accessibility
300.60	Case-by-case Resolution
300.70	ADA Notice
300.80	

AUTHORITY: Implementing Section 80-30 of Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 USC 12131-12134), as specified in Title II Regulations (28 CFR 35), and authorized by the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Adopted at 16 Ill. Reg. 15102, effective September 21, 1992; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9324; old Part repealed at 22 Ill. Reg. _____ and new Part adopted at 22 Ill. Reg. _____, effective _____.

Section 300.10 Purpose

- a) This Grievance Procedure (Procedure) is established pursuant to the Americans With Disabilities Act of 1990, 42 USC 12101 et seq., and specifically 28 CFR 35.107, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities concerning program services or activities provided by DHS. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, the ADA Coordinator shall provide such information.
- b) In general, the ADA requires that each program, service and activity offered by the Illinois Department of Human Services (DHS), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of DHS to foster open communication with all individuals requesting readily accessible programs, services and activities. DHS encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.
- d) Nothing in this Part shall preclude DHS from hearing appeals under 89

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

Ill. Adm. Code 510, Appeals and Hearings. Individuals who fall under the category of "client", as defined in 89 Ill. Adm. Code 510, should follow the procedures outlined in 89 Ill. Adm. Code 510. Any individual who is unclear as to the Part under which he/she should file an appeal or grievance should first contact the ADA Coordinator.

Section 300.20 Definitions

- a) Complainant
A "Complainant" is an individual with a disability who files a grievance form provided by DHS under this Procedure.
- b) ADA Coordinator
The "ADA Coordinator" is the person designated by the DHS Secretary who is responsible for the coordination of efforts of DHS to comply with and carry out its responsibilities under Titles I and II of the ADA, including investigation of grievances filed by complainants. The ADA Coordinator may be contacted at:

DHS - ADA Coordinator
Chief, Bureau of Accessibility & Workplace Safety
401 S. Clinton, 7th Floor
Chicago IL 60607

- c) Grievance
A "grievance" is any complaint under the ADA by an individual or individuals with a disability who:

- 1) meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by DHS, and
- 2) believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of DHS or has been subject to discrimination by DHS.

- d) Disability
"Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual, record of such impairment, or being regarded as having such an impairment.

- e) Qualified Individual with a Disability
"Qualified Individual with a Disability" means an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communications or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the Department.

Section 300.30 Procedures

- a) DHS shall, upon being informed of an individual's desire to file a

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

formal grievance, instruct the individual how to receive a copy of this procedure and a grievance form.

- b) Grievances must be submitted through the process described below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the Complainant and the ADA Coordinator and Final Review by the Secretary.
- c) A Complainant's failure to submit or appeal a grievance to the next level of procedure within the specified time limits shall mean that the Complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as DHS' last response.

Section 300.40 ADA Coordinator Review

- a) If an individual desires to file a formal written grievance under this Part, the individual shall promptly, but no later than 30 days after the alleged discrimination, submit the grievance to the ADA Coordinator in writing on the grievance form prescribed for that purpose. The grievance form must be completed in full in order to receive proper consideration by the ADA Coordinator.
- b) The grievance form shall include:

- 1) The Complainant's name, and if applicable, address and telephone number;
 - 2) the best means and time for contacting the Complainant;
 - 3) the program, activity or service that was denied Complainant or in which alleged discrimination occurred;
 - 4) the date and nature of the alleged denial or discrimination;
 - 5) the signature of the Complainant, or his/her authorized designee.
- Upon request, assistance shall be provided by DHS to complete the grievance form.
- d) The ADA Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The ADA Coordinator shall provide a written response to the Complainant within 45 business days after receipt of the grievance form.

Section 300.50 Secretary Review

- a) If the grievance has not been resolved at the ADA Coordinator Level to the satisfaction of the Complainant, the Complainant may submit a copy of the Grievance Form and ADA Coordinator's response to the Secretary of DHS for final review. The Complainant shall submit these documents to the Secretary, together with a short written statement explaining the reason(s) for dissatisfaction with the ADA Coordinator's written response, within 5 business days after receipt by the Complainant of the ADA Coordinator's response.
- b) The Secretary shall appoint a person(s) to review the grievance.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULES

- c) The Complainant shall be afforded an opportunity to appear before the Secretary's appointee. Complainant shall have the right to appoint a representative to appear on his/her behalf. The Secretary's appointees shall review the ADA Coordinator's written response and may conduct interviews and seek advice as he/she deems appropriate.
- d) Within 45 days after receipt of the Complainant's written response, the appointees shall make recommendations in writing to the Secretary as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations. A dissenting appointee may make a recommendation to the Secretary in writing and shall also sign such recommendation.
- e) Upon receipt of recommendations from the appointees, the Secretary shall approve, disapprove or modify the recommendations, shall render a written decision stating the basis therefor, and shall cause a copy of the decision to be served on the parties. The Secretary's decision shall be final.

Section 300.60 Accessibility

DHS shall ensure that all stages of the procedure are accessible to and usable by individuals with disabilities.

Section 300.70 Case-by-case Resolution

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, the nature of the service, program or activity; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on DHS. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other Complainants should rely.

Section 300.80 ADA Notice

A public notice shall be posted informing applicants, participants, beneficiaries and other interested persons of DHS' compliance with the Americans With Disabilities Act as applicable to the services, programs, or activities of the Department.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

- | | |
|--------------------------------|-------------------------|
| 1) <u>Heading of the Part:</u> | Eligibility |
| 2) <u>Code Citation:</u> | 89 Ill. Adm. Code 682 |
| 3) <u>Section Numbers:</u> | <u>Proposed Action:</u> |
| 682.100 | Amendment |
| 682.200 | Amendment |
| 682.240 | Amendment |
| 682.250 | Amendment |
| 682.260 | Amendment |
| 682.300 | Amendment |
| 682.400 | Amendment |
| 682.410 | Amendment |
| 682.500 | Amendment |
| 682.510 | Amendment |
| 682.520 | Amendment |

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

- 5) A Complete Description of the Subjects and Issues involved: This amendment adds the Community Spousal Asset Allowance as adopted by the Department of Public Aid to the eligibility criteria for Asset Limitation. This allowance protects the spouse of a customer by allowing a specified amount of the married couple's assets to be transferred to or for the sole benefit of the community spouse. Currently this amount is \$80,760. The figure changes every January 1. The amendment also adds language to incorporate revisions needed to implement services under the Waiver for Persons with a Brain Injury.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed amendment contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

Bureau of Administrative Rules and Procedures

Department of Human Services

100 South Grand Avenue East

3rd Floor Harris Bldg.

Springfield IL 62762

(217) 785-9772

TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER d: HOME SERVICES PROGRAM

PART 682

ELIGIBILITY

SUBPART A: GENERAL APPLICABILITY

Section
682.10

General Applicability

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section
682.100

General Eligibility Criteria

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section

682.200
Assets Limitation

682.210
Transfer of Assets

682.220
Exempt Assets

682.230
Assets Held in Joint Ownership

682.240
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SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section

682.300
Effect of Other Services on HSP

SUBPART E: REDETERMINATION OF ELIGIBILITY

Section

682.400
Redetermination Requirements

682.410
Redetermination Time Frames

SUBPART F: GRANDFATHERING PROVISIONS

Section

682.500
Exceptions to Eligibility Standards

682.510
Exceptions to Cost Sharing Provisions

682.520
Exceptions to Service Cost Maximums

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

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NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 19 Ill. Reg. 5070, effective March 21, 1995; amended at 20 Ill. Reg. 6307, effective April 18, 1996; amended at 20 Ill. Reg. 15749, effective December 3, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 2226, effective January 12, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL ELIGIBILITY CRITERIA

Section 682.100 General Eligibility Criteria

In order to receive services through HSP a customer an individual must:

- a) be a citizen of the United States, or be an individual who is living permanently in the United States after having been legally admitted;
- b) as of October 1, 1997 have applied for, be a recipient of, or be found eligible for a Spend-Down through Medicaid benefits through DPA and within 60 days after the date of application for HSP provide verification to the HSP counselor of the aforementioned. Customers may be found eligible for Medicaid and be placed on Spend Down. However, a customer an individual is not required to meet the eligibility criteria for Medicaid to receive benefits, nor is Medicaid eligibility or verification of application required to receive Interim Services (see 89 Ill. Adm. Code 684.682). The customer must agree to apply for Medicaid, and cooperate with the Department of Public Aid, to receive Interim Services. Individuals Customers having applied for HSP services prior to October 1, 1991, may choose to apply for Medicaid;
- c) be a resident of the State of Illinois;
- d) be under the age of 60 at the time of application for HSP services, unless the individual is applying for services under the Medicaid Waiver for Persons with AIDS or for Persons with a Brain Injury, in which case there is no age criteria for application;
- e) have a severe disability which is expected to last for at least 12 months or for the duration of life;
- f) be an individual with a disability who is in need of long-term care, as determined by the DON score completed as a result of a prescreening (89 Ill. Adm. Code 679) or application for HSP services. In order to be determined to have met this criteria, the individual must receive a DON score of at least 15 points on part A, which includes, if applicable, the 10 points from the Mini-Mental Examination, with a total DON score of at least 29 points;
- g) obtain certification from a physician or from a neuropsychologist for a person with a brain injury, with DHS assistance, that the individual is in need of long-term care and this care can safely and adequately be provided in the individual's home as provided in the HSP Service Plan developed for the individual; and
- h) not require in-home services that are expected to cost more than the cost the State would pay for institutional care for an individual with

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a similar DON score.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART C: FINANCIAL ELIGIBILITY CRITERIA

Section 682.200 Assets Limitation

- a) Adult customers, age 18 years or above, may have no more than \$10,000 in customer-only non-exempt assets in order to receive services through HSP.
- b) Minor customers, those under 18 years, may have no more than \$30,000 in total family non-exempt assets. In order to determine total family assets, the customer and all other individuals who contribute to the family unit, or rely on the family unit for support, shall be counted. A married customer, with a total DON score of 75 points or more, and whose spouse does not receive HSP services and is not institutionalized, shall not own interest in non-exempt assets having a total value in excess of \$10,000. Non-exempt assets having a value over this figure and up to the amount allowed by the Community Spouse Asset Allowance, as adopted by the Illinois Department of Public Aid at 89 Ill. Adm. Code 120.379(d), must be transferred to, or for the sole benefit of, the community spouse. If the customer's assets exceed the asset disregard and prevention of spousal impoverishment amount, but the excess is less than \$10,000, the individual is eligible for HSP services. If the excess is greater than \$10,000, the individual is ineligible for services. Customers who may be qualified for the spousal impoverishment exception may receive Interim Services while the Department of Public Aid determines the eligibility factor.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 682.240 Income Allowances

The customer individual and his/her family must meet the income guidelines for HSP the program or the customer individual will be required to contribute a portion of participate in the cost of the HSP services received (see Section 682.250).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 682.250 Cost Sharing Provisions

- a) If the customer individual and his/her family have income in excess of the income guidelines for a family the size of the customer's

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stated in Subparts B and C of this Part to continue to receive services through HSP.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 682.410 Redetermination Time Frames

- a) Any customer ~~individual~~ served under the standard Medicaid Waiver shall have his/her eligibility redetermined whenever there is a change in his/her condition or situation that may affect his/her continued eligibility, but if no such change, at least every twelve months.
- b) Any customer ~~individual~~ served under the Medicaid Waiver for Persons with AIDS shall have his/her eligibility redetermined whenever there is a change in his/her condition or situation that may affect his/her continued eligibility, but if no such change, at least every six months.
- c) Any customer served under the Medicaid Waiver for Persons with a Brain Injury shall have his/her eligibility redetermined whenever there is a change in his/her condition or situation that may affect his/her continued eligibility, but if no such change occurs, at least once every three months.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART F: GRANDFATHERING PROVISIONS

Section 682.500 Exceptions to Eligibility Standards

- A customer ~~An individual~~ who was receiving planned services through HSP prior to July 17, 1983, and has remained in a continuous active status since that time, and meets the current minimum DON point requirements may:
- a) have a planned service cost above the SCM established for that customer's DON score as established July 17, 1983;
 - b) not have his/her cost share amount increased, as long as services remain at the same levels as prior to July 17, 1983, unless the customer chooses to cost share at a higher level; and
 - c) have more than \$10,000-00 in non-exempt, customer-only assets.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 682.510 Exceptions to Cost Sharing Provisions

- A customer ~~An individual~~ whose case was in an active status on or before April 1, 1987, and whose case has remained in an active status since that time with a cost share of less than 25% of excess income (89 Ill. Adm. Code 682.250246(c))

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- ~~individuals~~, the customer ~~individual~~ must participate in the cost of services in order to receive services through the HSP.
- b) The amount of the cost share shall be 25% of the excess income of the family unit, less all disability related expenses (e.g., cost of special medical supplies, which are directly related to the customer's ~~individual's~~ disability, etc.) applicable to the customer.
 - c) Excess income shall be determined by adding all income for the family unit and subtracting the standard budget allowance for a family of that size. Any positive amount which results from this equation shall be considered as excess income for the purpose of determining the cost share amount.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 682.260 General Exceptions to Cost Share Provisions

- No cost sharing shall be required if the customer ~~individual~~:
- a) has applied for Medicaid benefits through DPA and has provided documentation verifying application for such benefits to the counselor;
 - b) has been determined eligible to receive Medicaid benefits;
 - c) has had a Medicaid Spend Down established;
 - d) is a recipient of SSI benefits; or
 - e) is receiving only respite services (89 Ill. Adm. Code 676.4030(i)).

SUBPART D: EFFECT OF OTHER SERVICES ON HSP

Section 682.300 Effect of Other Services on HSP

- a) A customer ~~An individual~~ cannot receive services through the HSP if he/she is receiving services through any other agency's home care program if that agency will seek reimbursement for those services through a Medicaid waiver.
- b) A customer ~~An individual~~ receiving services through a program described in subsection (a) above must terminate those services prior to the time any services may be provided through the HSP, pursuant to Medicaid regulations.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: REDETERMINATION OF ELIGIBILITY

Section 682.400 Redetermination Requirements

- All customers ~~individuals~~ receiving services through the HSP must have eligibility redetermined and must continue to meet all eligibility criteria as

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that is paid directly to the vendor may continue to cost share at the lower percentage, unless the customer chooses to cost share at a higher rate.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 682.520 Exceptions to Service Cost Maximums

- a) If the established SCM for a case is exceeded due to a provider rate increase, the customer ~~individual~~ may continue to receive the same amount of services even though the SCM will be exceeded.
- b) If an increase in services is indicated, services must stay within the established SCM for the case, regardless of the impact of provider rates.
- c) Cases involving ventilator dependent customers ~~individuals~~ whose need for care cannot be met by the SCM may have a rate established by Department of Public Aid (DPA) per 89 Ill. Adm. Code 684.70(c).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Prescreening
- 2) Code Citation: 89 Ill. Adm. Code 681
- 3) Section Numbers: Proposed Action:
681.20 Amended
681.30 Amended
681.60 Amended
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) A Complete Description of the Subjects and Issues involved: The Home Services Program rules are being revised to update cites, terms and reference to match the Department of Human Services organization. The amendments in this Section also include amendments of the text in several areas.

6) Will this proposed rule replace an emergency rule currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

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12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: DEPARTMENT OF REHABILITATION SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 681
PRESCREENING

Section

681.10	Who Must be Prescreened
681.20	DHS Prescreening Responsibilities
681.30	Prescreening Process
681.35	Assessment Validity Period and Customer Rights
681.40	Time Frames
681.50	Outcome of Prescreening Process
681.60	Certification of Prescreening Results
681.70	Necessity of Prescreening

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5086, effective March 21, 1995; amended at 20 Ill. Reg. 10366, effective July 19, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. _____, effective _____.

Section 681.20 DHS Prescreening Responsibilities

- a) Pursuant to Section 2-201.5 240-1010 of the Nursing Home Care Act [210 ILCS 45], DHS must prescreen any individual, as described in Section 681.10, who seeks admission to a nursing facility.
 - b) DHS Home Services Program does not prescreen individuals who:
 - 1) are less than 18 years of age, or 60 years of age or older;
 - 2) are transferred from one nursing facility to another nursing facility;
 - 3) resided in a nursing facility for a period of at least 60 calendar days who are returning to a nursing facility after an absence of not more than 60 calendar days;
 - 4) are returning to a nursing facility after an absence for medical care, regardless of the duration of the absence;
 - 5) have a diagnosis of developmental disability or severe mental illness, regardless of age;
 - 6) are admitted to a facility that is part of a Life Care Contract;
 - 7) are admitted to a hospice;
 - 8) are admitted to a nursing facility for respite care from the community for a period of no more than 15 calendar days;
 - 9) are admitted to a sheltered care facility;
 - 10) are admitted to a facility operated under the Hospital Licensing Act [210 ILCS 85] whose actual length of stay in such a facility

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is less than 21 calendar days. If an individual's stay extends to 21 days or beyond, he/she must be prescreened;

11) are admitted to a facility operated by a provider licensed under the Alternative Care Delivery Act (210 ILCS 3/35) whose actual length of stay in such a facility is less than 21 calendar days. If an individual's stay extends to 21 days or beyond, he/she must be prescreened; or

12) were residents of a nursing facility on June 30, 1996.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 681.30 Prescreening Process

The Prescreening process is the completion of the DON and reporting of the results. The DON, completed by the counselor or appropriate representative of a cooperating social service agency/hospital who has been trained by DHS or DoA, measures the level of impairment of an individual and the individual's unmet need for care. Determination of eligibility for institutional care and eligibility for HSP services is based on the points earned in both of these categories and their totals. The results of the Prescreening are reported via the Inter-Agency Certification of Screening Results For Long Term Care ~~Imminent~~ Risk (DPA:2536).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 681.60 Certification of Prescreening Results

- a) After the prescreening is completed, if the customer has chosen institutional placement, the counselor must complete an Inter-Agency Certification of ~~INTERAGENCY-CERTIFICATION-OF~~ Screening Results For Long Term Care ~~RESULTS/DETERMINATION-OF-IMMINENT-RISK~~ (DPA:2536) form and an OBRA 1 ID Screen form and forward the results to the nursing facility. A partial HSP Eligibility Summary (IL 488-0325) is required from the case file.
- b) Further, if the individual is eligible and has chosen institutional placement over HSP services, the customer must sign and date the appropriate form, indicating nursing home preference and that the customer has been informed of the availability of HSP services as an alternative to institutionalization and has chosen the institutional care.
- c) Results must be certified, as per subsection (a) above, regardless of whether the individual is eligible.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Public Information, Rulemaking and Organization
- 2) Code Citation: 2 Ill. Adm. Code 1025
- 3) Section Numbers:
1025.10 Repealed
1025.110 Repealed
1025.120 Repealed
1025.130 Repealed
1025.140 Repealed
1025.150 Repealed
1025.210 Repealed
1025.220 Repealed
1025.230 Repealed
1025.240 Repealed
1025.250 Repealed
1025.260 Repealed
1025.270 Repealed
APPENDIX A
Statutory Authority: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

- 5) A Complete Description of the Subjects and Issues involved: Part 1025 is being repealed and replaced with 2 Ill. Adm. Code 1175.

- 6) Will this proposed rule replace an emergency rule currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor Harris Bldg.
 Springfield IL 62762
 Telephone number: (217) 785-9772
 TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Repealer begins on the next page.

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NOTICE OF PROPOSED REPEALER

TITLE 2: GOVERNMENTAL ORGANIZATION
 SUBTITLE D: CODE DEPARTMENTS
 CHAPTER XIV: DEPARTMENT OF MENTAL HEALTH AND
 DEVELOPMENTAL DISABILITIES

PART 1025

PUBLIC INFORMATION, RULEMAKING AND ORGANIZATION (REPEALED)

SUBPART A: PUBLIC INFORMATION

Section
 1025.10 Access to information

SUBPART B: RULEMAKING PROCEDURES

Section
 1025.110 Initiation
 1025.120 Promulgation
 1025.130 Enactment
 1025.140 Validity and severability
 1025.150 Application

SUBPART C: ORGANIZATION

Section
 1025.210 Major function
 1025.220 Location of offices
 1025.230 Mental Health Institutes
 1025.240 Region responsibility
 1025.250 Department facilities
 1025.260 Central offices
 1025.270 Organizational and supervisory relationships

APPENDIX A Organization Chart

APPENDIX B Organization Chart: Regional Structure (Repealed)

AUTHORITY: Implementing Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 5-104 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/5-104] and Section 5 of the Mental Health and Developmental Disabilities Administrative Act [20 ILCS 1705/5].

SOURCE: Adopted at 8 Ill. Reg. 12276, effective July 1, 1984; amended at 9 Ill. Reg. 17812, effective November 1, 1985; corrected at 9 Ill. Reg. 18613; repealed at 22 Ill. Reg. _____, effective _____.

SUBPART A: PUBLIC INFORMATION

Section 1025.10 Access to information

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Procedures for access to information can be found in 2 Ill. Adm. Code 1026.

SUBPART B: RULEMAKING PROCEDURES

Section 1025.110 Initiation

- a) Any Department employee may initiate rulemaking. Proposals shall be in writing and shall comply with the procedures of and be in the form of, rules proposed and enacted under the provisions of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.).
- b) At Department facilities, the facility director shall review and approve all proposals. If the facility director believes the proposal has impact or significance beyond the facility of origin, the proposal shall be forwarded to the region administrator, with any comment, amendment or alteration deemed appropriate.
- c) At regions, the region administrator shall review and approve all proposals received from a facility within the region or from staff of the region office.
- d) If the region administrator believes the proposal has impact or significance beyond the region, region of origin, or the facilities therein, the region administrator shall forward the proposal to the appropriate associate director with any comment, amendment, or alteration deemed appropriate.
- e) Central office employees may initiate proposals by forwarding them, in the appropriate form, directly to the section manager. If the section manager believes the proposal has merit, the proposal shall be forwarded to the appropriate associate director.
- f) The procedures for initiation of proposals for the adoption, promulgation or enactment of new rules, the amendment of existing rules, the repeal of a rule, or the technical alteration of rules, do not apply to the Director and associate directors.

Section 1025.120 Promulgation

- a) Any proposal initiated by or forwarded to an associate director which has merit shall be forwarded to the Division of Policy and Special Programs where it will be studied and then circulated to other staff in accordance with the review and approval procedure then in force. The Division may include with the proposal any comment, amendment or alteration deemed appropriate. Any such proposal may be rejected, at the discretion of an associate director for any reason rationally related to the health, safety, care or treatment of the recipients, or rationally related to the efficient operation of the Department.
- b) The Division may forward, return, remand or refer any proposal to any Department employee, office, section or subdivision for purposes of study, amendment, clarification, advice, counsel or assistance, prior to or simultaneous to review and approval of the proposal. The

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Division may cause appropriate action to commence toward the promulgation of a Department rule, including but not limited to meetings, hearings, consultation, solicitation of comment, study, and referral to outside agencies or groups.

- c) After review and approval by the appropriate associate directors, the Division may forward any proposal deemed to have legal implications to Legal Services for study, examination, review and comment.
- d) If Legal Services is of the opinion that the proposal is not in accord with applicable law, or not in compliance with the provisions of the Administrative Procedure Act, or not within the statutory authority of the Department to promulgate, Legal Services shall so indicate to the Division of Policy and Special Programs, in writing, with supporting reasoning and citation of authority.

Section 1025.130 Enactment

- a) The Director shall have the final authority to review all proposals for the adoption, promulgation and enactment of new rules, the amendment of existing rules, the repeal of a rule, or the technical alteration of rules. The Director shall have authority to conduct such meetings, hearings, investigations and other actions as are necessary and proper to ascertain if enactment of the proposal is in the best interests of the recipients, Department, its employees or the public. The Director may send, return or remand any proposal to any employee, Division or subdivision of the Department for study, amendment, clarification, advice, counsel or assistance prior to or simultaneous to review and approval of the proposal.
- b) The Director may approve or reject any proposal at his sole and absolute discretion. Such exercise of discretion by the Director is not subject to review. The Director may approve a proposal in the form proposed or as thereafter amended. The Director may, at his discretion, further amend, alter, change or revise any proposal prior to or simultaneous to such approval. If the Director believes a proposal should be enacted as a rule of the Department, he shall forward the proposal to the Division of Policy and Special Programs for enactment in accordance with the provisions of the Administrative Procedure Act.

Section 1025.140 Validity and severability

- a) Proposals not adopted, promulgated and enacted in the form specified in this section shall not be valid.
- b) If any suggestion, paragraph, provision, sentence or phrase of this section shall later be invalidated by any administrative, legal or court action, the validity of the unaffected portions of this section shall not be thereby affected.

Section 1025.150 Application

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

The provisions of this section shall not apply to any proposal for the enactment, amendment, repeal or alteration of a rule or rules required by any Act, statute, law, court order, appellate decision or order of the Governor, which occurs prior to or subsequent to the effective date of this section.

SUBPART C: ORGANIZATION

Section 1025.210 Major function

The Department of Mental Health and Developmental Disabilities (the Department) is responsible for providing the highest quality of rehabilitative and rehabilitative services to those mentally ill and developmentally disabled persons served by Department facilities, programs and services.

Section 1025.220 Location of offices

The Department's central offices are located at 401 South Spring Street, Springfield, Illinois 62706 and 100 West Randolph, Suite 6-400, Chicago, Illinois 60601. In addition, there are seven regional offices located as follows:

Region 1	Region 5A/5B Coordinator
4402 North Main Street, Box 62	100 West Randolph, Suite 6-400
Rockford, IL 61105	Chicago, IL 60601
Region 2	Region 5A North Zone
750 South State Street	4201 North Oak Park Avenue
Elgin, IL 60120	Chicago, IL 60634
Region 3	Region 5B South Zone
901 Southwind Road	1640 West Roosevelt Road
Springfield, IL 62703	Chicago, IL 60608
Region 4	Region 6
1000 North Main Street	Hickory Hall - 2nd Floor
Anna, IL 62906	7600 West 183rd Street
	Tinley Park, IL 60477

Section 1025.230 Mental Health Institutes

The Department maintains and operates the Institute for Juvenile Research, Illinois Institute for Developmental Disabilities and the Illinois State Psychiatric Institute located at the Medical Center Complex, Chicago. These institutes, which also conduct research, are provided administrative coordination through the Illinois Institute for Analysis, Research, and Technology Transfer. The Department's Child and Adolescent Office is administered by the Institute for Juvenile Research (Ill. Rev. Stat. 1983, ch. 91 1/2, pars. 100-11, 100-12 and 100-13).

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Section 1025.240 Region responsibility

It is the responsibility of each region to assure that the goals and missions of the Department are achieved in the daily activities of state facility operations and developmentally through community-funded programs in the geographic area served by each region.

Section 1025.250 Department facilities

The Department maintains and operates mental health and developmental disabilities facilities located throughout the state (Ill. Rev. Stat. 1983, ch. 91 1/2, par. 100-4). Each facility is headed by a facility director who is responsible for its administration and who reports to the regional administrator of the region in which the facility is located.

Section 1025.260 Central offices

The central offices are comprised of the Director's Office; an executive and special assistant to the Director; the offices of the legislative liaison; public information; internal audits; facility management and coordination; community funding, analysis and policy; and management and budget, all reportable to the Director. In addition, there are four divisions, three headed by an associate director and one by a clinical director who also reports to the Director. The four divisions are:

- Division of Policy and Special Programs
The Division of Policy and Special Programs assures that the operational and program units of the Department have the necessary information and guidance of a standardized nature to carry out their prescribed functions and that the Department's responsibilities are directed towards the fulfillment of mandated and court-directed obligations.
- Division of Clinical Services
The Division of Clinical Services is responsible for formulating the clinical treatment policy for the Department with regard to the medical and therapeutic needs of recipients of Department-operated and funded programs; prescribes standards for clinical practices and procedures for the care and treatment of recipients of Department-operated programs; monitors and evaluates the clinical practices and procedures of Department facilities for compliance with prescribed standards and directs and coordinates the operations of consolidated laboratory and pharmacy services.
- Division of Developmental Disabilities
The Division of Developmental Disabilities establishes the primary program and service policy for developmentally disabled recipients of the Department's service network. This division also directs developmental and quality assurance functions relating to facility and community-based services for the developmentally disabled population.
- Division of Mental Illness

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

The Division of Mental Illness establishes the primary program and service policy for mentally ill recipients of the Department's service network. This division also directs developmental and quality assurance functions relating to facility and community-based services and service delivery for the mentally ill.

Section 1025.270 Organizational and supervisory relationships

Organizational and supervisory relationships are shown in the organization chart in Appendix A at the end of this Part. Detailed descriptions of the specific responsibilities and duties of each of the units is maintained in the Springfield central office and are available for public inspection.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Section 1025.APPENDIX A Organization Chart

GRAPHIC MATERIAL

See printed copy of IAC for detail

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Section 1025. APPENDIX B Organization Chart: Regional Structure (Repealed)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Public Information, Rulemaking, Department Organization

2) Code Citation: 2 Ill. Adm. Code 1175

3) Section Numbers: Proposed Action:

1175.50	Repealed
1175.75	Repealed
1175.100	Repealed
1175.200	Repealed
1175.210	Repealed
1175.220	Repealed
1175.230	Repealed
1175.240	Repealed
1175.250	Repealed
1175.260	Repealed
1175.270	Repealed
1175.280	Repealed
1175.290	Repealed
1175.700	Repealed
1175.710	Repealed
1175.720	Repealed
1175.illustration A	Repealed
1175.illustration B	Repealed

4) Statutory Authority: Implementing and authorized by Sections 3(f), (h), and (i) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(f), (h), (i)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

5) A. Complete Description of the Subjects and Issues involved: Part 1175 of former legacy agency DORS is being repealed and replaced with Part 1175 of DHS.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois*

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Register. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER XX: DEPARTMENT OF HUMAN SERVICES

PART 1175
PUBLIC INFORMATION, RULEMAKING, DEPARTMENT ORGANIZATION
(REPEALED)

SUBPART A: PUBLIC INFORMATION

Section
1175.200
1175.50
1175.75
1175.100

Public Information Materials
Department Manuals
Additional Sources of Information

SUBPART B: RULEMAKING

Section
1175.200
1175.210
1175.220
1175.230
1175.240
1175.250
1175.260
1175.270
1175.280
1175.290

Definitions
Recommendations for DHS Administrative Rules Development
Review of Recommended Rulemaking
Rule Development
Rule Approval
In-House Distribution of Proposed Administrative Rules
Public Comments
Requests for Public Hearings
Filing of Proposed Administrative Rules with the Joint Committee on Administrative Rules (JCAR)
Adopted Administrative Rules

SUBPART C: DEPARTMENT ORGANIZATION

Section
1175.700
1175.710
1175.720

Director
Rehabilitation Services Advisory Council
Staffing

ILLUSTRATION A Rulemaking Flow Chart
ILLUSTRATION B Organizational Chart

TABLE A Department Organization
TABLE B Bureau of Rehabilitation Services
TABLE C Bureau of Blind Services
TABLE D Bureau of Disability Determination Services
TABLE E Bureau of Finance and Operations

AUTHORITY: Implementing and authorized by Section 3(f), (h) and (i) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(f), (h), (i)] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

SOURCE: Adopted at 8 Ill. Reg. 9117, effective June 15, 1984; amended at 8 Ill. Reg. 16838, effective September 14, 1984; amended at 10 Ill. Reg. 20744, effective December 2, 1986; amended at 13 Ill. Reg. 8604, effective May 23, 1989; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9327; repealed at 22 Ill. Reg. _____, effective _____.

SUBPART A: PUBLIC INFORMATION

Section 1175.50 Public Information Materials

- a) The Department of Human Services (DHS) shall maintain a variety of public information materials describing DHS' services and programs.
- b) These public information materials are available to the public in or through all DHS offices.

Section 1175.75 Department Manuals

- a) Copies of the Department's Client Services Manual and Resource Handbook may be purchased from the Department. The fees are:
 - 1) Illinois Management System Manual - \$15.00 and an annual rate of \$3.00
 - 2) Resource Handbook - \$20.00 and an annual rate of \$7.00
 - 3) Departmental Hearings Digest - \$15.00 and an annual rate of \$3.00
 - 4) Administrative Rules Manual - \$20.00 and an annual rate of \$5.00
- b) Illinois State government agencies, and legislative boards and commissions may receive one free copy of Department manuals on request. All additional copies shall be charged for at the rates as established in (a).
- c) Requests for Department manuals shall be made in writing to:

Policy/Staff Development
 Regulations and Procedures Unit
 P. O. Box 19429
 623 East Adams
 Springfield, Illinois 62794-9429
 Telephone: (217) 785-3896
 T.D.D.: (217) 782-2094

Section 1175.100 Additional Sources of Information

- a) Specific requests for information regarding DHS' services and programs may be directed to:

Division of Media and Public Affairs
 Department of Human Services
 P. O. Box 19429
 623 East Adams

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Springfield, Illinois 62794-9429

- b) Requests for information regarding other programs and services available to persons with disabilities in Illinois may be directed to the Disabled Individual's Assistance Line (DIAL) by calling collect: (800) 233-3425 (Voice or Telephone Device for the Deaf (TDD)).
- c) Questions relating to eligibility for DHS' programs or services should be directed to the local DHS field office.
- d) Requests Concerning Problems
 - 1) Requests for information or assistance regarding problems encountered in receiving or obtaining DHS' services should first be directed to the DHS counselor.
 - 2) However, assistance with problems encountered by DHS' clients, prospective or past clients may also be requested from:

Client Assistance Program
 Department of Human Services
 100 N. First, 1st Floor
 Springfield, Illinois 62702
 (800) 641-3929 (Voice or TDD)

SUBPART B: RULEMAKING

Section 1175.200 Definitions

"Advisory Councils" means DHS Consumer Advisory Councils, DHS Facility Advisory Councils, and the Rehabilitation Services Advisory Council.

"Director" means the Director of DHS.

"DHS" means the Illinois Department of Human Services.

"Facility" means Illinois School for the Deaf, Illinois School for the Visually Impaired, Illinois Children's School and Rehabilitation Center, or Illinois Visually Handicapped Institute/Community Services for Visually Handicapped.

"Field Office" means each location maintained by DHS for the purpose of providing direct service contact with the general public.

"IAPA" means The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001-1 et seq.).

"Liaison" means a designated DHS staff person responsible for coordinating activities and communications between DHS and an advisory council.

"Regional Office" means an office location responsible for

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

administrative duties for a geographical area of the state containing several field offices.

"Rules" means each agency statement of general applicability that implements, applies, interprets or prescribes law or policy, but does not include:

Statements concerning only the internal management of an agency and not affecting private rights or procedures available to persons or entities outside the agency, Informal advisory rulings issued pursuant to Section 9 of the IAPA (Ill. Rev. Stat. 1987, ch. 127, par. 1005-150), Intra-agency memoranda, or The prescription of standardized forms. Section 1-70 of the IAPA (Ill. Rev. Stat. 1991, ch. 127, par. 1001-70).

Section 1175.210 Recommendations for DHS Administrative Rules Development

a) Recommendations for rules development may be made by:

- 1) DHS staff,
- 2) DHS Advisory Councils, and/or
- 3) members of the public.

b) Recommendations for rules development must go through the appropriate channels.

- 1) DHS staff must submit recommendations to the respective Deputy Director, Assistant Director, or Division Manager (for Director's staff).
- 2) DHS Advisory Councils may make recommendations for rulemaking to the Director through the DHS liaison.
- 3) Members of the public may submit recommendations to:

Regulations and Procedures Section
Department of Human Services
P. O. Box 19429
623 East Adams
Springfield, Illinois 62794-9429

c) Each recommendation must include:

- 1) the suggested text of the proposed rule, and
- 2) a statement of reasons supporting the recommendation, including the purpose and effect of the recommendation.

Section 1175.220 Review of Recommended Rulemaking

- a) All recommendations for suggested rulemaking will be reviewed by designated DHS staff.
- b) The reviewer may return the recommendation to the originator with a request for more information or because it lacks substance.
- c) Recommendations considered appropriate shall be forwarded to the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Regulation and Procedures Section (RPS).

Section 1175.230 Rule Development

- a) The RPS shall act upon all recommended rulemaking received through the proper channels by developing, with necessary program staff input, a draft rule.
- b) The draft rule will then be submitted to DHS' Executive Council, Client Assistance Program (CAP), Rehabilitation Services Advisory Council (RSAC), and State Consumer Advisory Council (SCAC) for consideration and comments. The Executive Council is composed of:
 - 1) the Director of DHS,
 - 2) the Assistant Director of the DHS,
 - 3) Division Managers within the Director's Office, and
 - 4) the Deputy Directors of each of DHS' bureaus.
- c) Substantive comments submitted in conjunction with subsection (b) will be discussed with the Executive Council with a final decision made by the Director.

- d) Peremptory rulemaking, as defined in Section 5.50 of the IAPA (Ill. Rev. Stat. 1991, ch. 127, par. 1005.50), will only be reviewed and approved by DHS' Legal Section, appropriate Deputy Director(s), and Assistant Director prior to being submitted to the Director.
- e) Emergency rulemaking, as defined in Section 5-45 of the IAPA (Ill. Rev. Stat. 1991, ch. 127, par. 1005-45), will be submitted only to the Executive Council for approval without the initial distribution of draft rules outlined in subsection (b). Following approval by the Executive Council, the rulemaking will be submitted to the Director.

Section 1175.240 Rule Approval

All proposed rulemaking must receive final approval by the Director prior to filing with the Secretary of State in compliance with the IAPA (Ill. Rev. Stat. 1991, ch. 127, par. 1001-1).

Section 1175.250 In-House Distribution of Proposed Administrative Rules

Copies of all proposed administrative rules shall go for review to:

- a) each Rehabilitation Services Advisory Council member,
- b) each DHS Consumer Advisory Council member,
- c) all DHS' Regional Offices and Business Service Offices for access by the public.

Section 1175.260 Public Comments

- a) All comments received by the DHS Advisory Councils shall be considered in the development of DHS administrative rules.
- b) Public comments directed to DHS in response to proposed rules published in the Illinois Register shall be considered in the

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

development of DHS' administrative rules.

Section 1175.270 Requests for Public Hearings

- a) Public hearings shall be held to obtain public comments on proposed rules when required by Section 5-40 of the IAPA (Ill. Rev. Stat. 1991, ch. 127, par. 1005-40(b)).
- b) Public requests for hearings on proposed administrative rules shall be directed to the contact person designated in the notice of proposed rulemaking.
- c) Public hearings will be held in such a manner as to most effectively collect and review comments given by concerned citizens.
- d) Public hearings shall be conducted in accordance with Section 5-40(b) of the IAPA (Ill. Rev. Stat. 1991, ch. 127, par. 1005-40(b)).
- e) Public hearings shall be accessible to persons with disabilities in compliance with Executive Order 79-5, Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and the Illinois Human Rights Act (Ill. Rev. Stat. 1991, ch. 68, pars. 1-101 et seq.) upon notification of anticipated attendance.
- f) Comments from public hearings shall be considered in the development of DHS administrative rules.

Section 1175.280 Filing of Proposed Administrative Rules with the Joint Committee on Administrative Rules (JCAR)

- a) Proposed administrative rules shall be filed with JCAR in accordance with Section 5-40(c) of the IAPA (Ill. Rev. 1991, ch. 127, par. 1005-40(c)) and rules promulgated by JCAR (1 Ill. Adm. Code: Chapter 11).
- b) Comments from JCAR shall be considered in the final development of DHS' administrative rules.

Section 1175.290 Adopted Administrative Rules

- a) After complete review of public and JCAR comments and appropriate revision, DHS' administrative rules shall be filed with the Secretary of State when appropriate.
- b) Copies of the Department's adopted administrative rules shall be maintained and available for public inspection at:
 - 1) each Department field office,
 - 2) each Department regional office,
 - 3) each Department facility,
 - 4) central office - Springfield,
 - 5) central office - Chicago.

SUBPART C: DEPARTMENT ORGANIZATION

Section 1175.700 Director

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

The Director of the Department of Human Services is appointed by the Governor of Illinois in accordance with Sections 4 and 12 of "The Civil Administrative Code of Illinois" (Ill. Rev. Stat. 1983, Ch. 127, pars. 4 and 12).

Section 1175.710 Rehabilitation Services Advisory Council

- a) The Rehabilitation Services Advisory Council (RSAC) is appointed in accordance with Section 6.23 of "The Civil Administrative Code of Illinois" (Ill. Rev. Stat. 1983, Ch. 127, par. 6.23).
- b) Activities and responsibilities of the RSAC are contained in 89 Ill. Adm. Code 515: Subpart A.

Section 1175.720 Staffing

- a) Staff reporting directly to the Director include
 - 1) Administrative Assistants-Chicago and Springfield
 - 2) Legislative Liaison
- b) Staff reporting to the Director via the Executive Associate Director include:
 - 1) Director's Staff
 - A) Policy/Information Promulgation Section
 - B) Internal Audit
 - C) Legal Services
 - D) Consumer Affairs
 - E) Management/Employee Relations
 - F) Public Information
 - 2) Service Bureaus
 - A) Bureau of Fiscal and Operational Support Services
 - B) Bureau of Disability Adjudication Services
 - C) Bureau of Rehabilitation Services for Adults and Children
 - D) Bureau of Rehabilitation Services for the Blind
- c) Organizational Chart, 89 Ill. Adm. Code 1175, Illustration B depicts the organizational structure of the Department of Human Services.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Section 1175. ILLUSTRATION A Rulemaking Flow Chart

GRAPHIC MATERIAL

See printed copy of IAC for detail

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Section 1175. ILLUSTRATION B Organizational Chart

Section 1175. TABLE A Department Organization

GRAPHIC MATERIAL

See printed copy of IAC for detail

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Section 1175.TABLE B Bureau of Rehabilitation Services

GRAPHIC MATERIAL

See printed copy of IAC for detail

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Section 1175.TABLE C Bureau of Blind Services

GRAPHIC MATERIAL

See printed copy of IAC for detail

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Section 1175.TABLE D Bureau of Disability Determination Services

GRAPHIC MATERIAL

See printed copy of IAC for detail

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

Section 1175.TABLE E Bureau of Finance and Operations

GRAPHIC MATERIAL

See printed copy of IAC for detail

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

- 1) Heading of the Part: Public Information, Rulemaking, Department Organization
- 2) Code Citation: 2 Ill. Adm. Code 1175
- 3) Section Numbers:
- | | |
|----------|-------------------------|
| 1175.50 | <u>Proposed Action:</u> |
| 1175.75 | New Section |
| 1175.100 | New Section |
| 1175.200 | New Section |
| 1175.210 | New Section |
| 1175.220 | New Section |
| 1175.230 | New Section |
| 1175.240 | New Section |
| 1175.700 | New Section |
| 1175.710 | New Section |
- ILLUSTRATION A

- 4) Statutory Authority: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].

- 5) A Complete Description of the Subjects and Issues Involved: The Public Information, Rulemaking, Department Organization rule has been identified as overlapping rules inherited by DHS from the six legacy agencies. Changes to this rule will combine terms and definitions used in the various prototypes.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed rule (amendment, repealer) contain incorporations by Reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed rule begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE D: CODE DEPARTMENTS

CHAPTER XX: DEPARTMENT OF HUMAN SERVICES

PART 1175

PUBLIC INFORMATION, RULEMAKING, DEPARTMENT ORGANIZATION

SUBPART A: PUBLIC INFORMATION

Section

1175.50 Public Information Materials

1175.75 Fee Schedule

1175.100 Additional Sources of Information

SUBPART B: RULEMAKING

Section

1175.200 Definitions

1175.210 Recommendations for DHS Administrative Rules Development

1175.220 Review of Recommended Rulemaking

1175.230 Rule Development

1175.240 Rule Approval

SUBPART C: DEPARTMENT ORGANIZATION

Section

1175.700 Secretary

1175.710 Staffing

ILLUSTRATION A Organizational Chart

AUTHORITY: Implementing and authorized by the Department of Human Services Act [20 ILCS 1305].

SOURCE: Adopted at 8 Ill. Reg. 9117, effective June 15, 1984; amended at 8 Ill. Reg. 16838, effective September 14, 1984; amended at 10 Ill. Reg. 20744, effective December 2, 1986; amended at 13 Ill. Reg. 8604, effective May 23, 1989; recodified from Department of Mental Health and Developmental Disabilities to Department of Human Services at 21 Ill. Reg. 9327; old Part repealed at 22 Ill. Reg. _____, and new Part adopted at 22 Ill. Reg. _____, effective _____.

SUBPART A: PUBLIC INFORMATION

Section 1175.50 Public Information Materials

- a) The Department of Human Services (DHS) shall maintain a variety of

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

public information materials describing DHS services and programs.

- b) These public information materials are available to the public in or through all DHS offices.

Section 1175.75 Fee Schedule

- a) The Department shall provide up to 20 pages of materials free of charge. For requests for records exceeding 20 pages, the Department shall charge \$.25 per page. Checks for these materials should be made payable to the Department of Human Services, Division of Communications.
- b) Copies of the Department's Manuals and Handbooks may be purchased from the Department for a reasonable fee. In cases where it is determined to be in the public interest to release requested manuals or handbooks there will be no charge. The fees are:

Manuals - \$15 and an annual rate of \$3

Handbooks - \$20 and an annual rate of \$3

- c) Illinois State government agencies and legislative boards and commissions may receive one free copy of Department manuals on request. All additional copies shall be charged for at the rates established in subsection (b).
- d) Requests for Department manuals shall be made in writing to:

Bureau of Administrative Rules and Procedures

Harris II, 3rd Floor

100 S. Grand Ave. East

Springfield, Illinois 62762

Telephone: (217) 785-9772

Section 1175.100 Additional Sources of Information

- a) Specific requests for information regarding DHS services and programs may be directed to:

Division of Communications

Department of Human Services

Harris II, 3rd Floor

100 South Grand Ave. East

Springfield, Illinois 62762

- b) Questions relating to eligibility for DHS programs or services should be directed to the local DHS field office.

SUBPART B: RULEMAKING

Section 1175.200 Definitions

- "Advisory Councils" means statutorily created councils.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

"DHS" means the Illinois Department of Human Services.

"Facility" means institutions and schools maintained and operated by Office of Developmental Disabilities, which provides programs and services for its recipients (i.e., developmental centers run by ORS, Mental Health Centers run by Office of Mental Health, Educational Centers run by ORS).

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

"Liaison" means a designated DHS staff person responsible for coordinating activities and communications between DHS and an Advisory Council.

"Secretary" means Secretary of DHS.

Section 1175.210 Recommendations for DHS Administrative Rules Development

a) Recommendations for rule development may be made by:

- 1) DHS staff,
 - 2) DHS Advisory Councils, and/or
 - 3) members of the public.
- b) Recommendations for rule development must be made in writing and submitted to Chief, Bureau of Administrative Rules and Procedures, Harris II, 3rd Floor, 100 S. Grand Ave. East, Springfield IL 62762.
- 1) DHS staff must submit recommendations through the chain of command.
 - 2) DHS Advisory Councils may make recommendations for rulemaking to the Secretary through the DHS liaison.
 - 3) Members of the public may submit recommendations to:

Department of Human Services
Bureau of Administrative Rules and Procedures
Harris II, 3rd Floor
100 South Grand Ave. East
Springfield, Illinois 62762

c) Each recommendation must include:

- 1) a copy of the current rule (if applicable);
- 2) the suggested text of the proposed rule; and
- 3) a statement of reasons supporting the recommendation, including the purpose and effect of the recommendation.

Section 1175.220 Review of Recommended Rulemaking

- a) All recommendations for suggested rulemaking will be reviewed by designated DHS staff.
- b) The reviewer may return the recommendation to the originator with a

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

request for more information or because it lacks substance.
c) Recommendations considered appropriate shall be forwarded to the Bureau of Administrative Rules and Procedures (ARP) for further action.

Section 1175.230 Rule Development

The provisions of the Illinois Administrative Procedure Act (IAPA) shall be followed in proposing, amending and/or adopting a new rule.

Section 1175.240 Rule Approval

All proposed rulemaking must receive final approval by the Secretary prior to filing with the Secretary of State in compliance with the IAPA [5 ILCS 100].

SUBPART C: DEPARTMENT ORGANIZATION

Section 1175.700 Secretary

The Secretary of the Department of Human Services is appointed by the Governor of Illinois in accordance with Section 1-15 of the Department of Human Services Act [20 ILCS 1305/1-15].

Section 1175.710 Staffing

a) Staff reporting directly to the Secretary include:

- 1) Chief of Staff
- 2) Special Assistant
- 3) Administrative Assistants - Chicago and Springfield
- 4) Assistant Secretary(ies)
- 5) Associate Secretary
- 6) Press/Communications
- 7) Office of Legislation
- 8) EEO/Affirmative Action
- 9) Assistant for Special Projects
- 10) Assistant for Hispanic/Latino Affairs
- 11) Office of Legal Services
- 12) Office of Inspector General
- 13) Office of Internal Audit

b) Staff reporting to the Secretary via the Chief of Staff include:

- 1) Chief's Staff
 - A) Budget
 - B) Business Services
 - C) Contract Administration
 - D) Fiscal Services
 - E) Human Resources
 - F) Management Information Services
- 2) Service Bureaus

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

- A) Community Health and Prevention
 - B) Bureau of Transitional Services
 - C) Bureau of Community Operations
 - D) Bureau of Disability and Behavioral Health Services
- c) Organizational Chart, 2 Ill. Adm. Code 1175, Illustration A depicts the organizational structure of the Department of Human Services.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED RULE

Section 1175. ILLUSTRATION A Organization Chart

GRAPHIC MATERIAL

See printed copy of IAC for detail

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Freedom of Information

- 2) Code Citation: 2 Ill. Adm. Code 1026

- 3) Section Numbers:

1026.110	Repealed
1026.130	Repealed
1026.140	Repealed
1026.150	Repealed
1026.160	Repealed
1026.170	Repealed
1026.190	Repealed
1026.200	Repealed

- 4) Statutory Authority: Implementing and authorized by Section 1 of the Freedom of Information Act [5 ILCS 140/1] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

- 5) A Complete Description of the Subjects and Issues Involved: Part 1026 of former legacy agency DMHDD is being replaced with 2 Ill. Adm. Code 1176 (DHS).

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed repealer contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.
Springfield IL 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF PROPOSED REPEALER

TITLE 2: GOVERNMENTAL ORGANIZATION

SUBTITLE D: CODE DEPARTMENTS

CHAPTER XIV: DEPARTMENT OF MENTAL HEALTH AND
DEVELOPMENTAL DISABILITIES

PART 1026

FREEDOM OF INFORMATION

(REPEALED)

SUBPART A: INTRODUCTION

Section

1026.110 Summary and purpose

1026.120 Definitions (Repealed)

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section

1026.130 Person to whom requests are submitted

1026.140 Form and content of requests

SUBPART C: PROCEDURES FOR DEPARTMENT RESPONSE

TO REQUESTS FOR PUBLIC RECORDS

Section

1026.150 Timeline for Department response

1026.160 Types of Department responses

SUBPART D: APPEAL OF A DENIAL

Section

1026.170 Appeal and response

1026.180 Director's response to appeal (Repealed)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section

1026.190 Inspection of records at Department offices

1026.200 Copies of public records

1026.210 General materials available from the Freedom of Information Officer
(Repealed)

APPENDIX A

Request for Public Records (Repealed)

AUTHORITY: Implementing and authorized by Section 1 of the Freedom of Information Act [5 ILCS 140/1] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

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NOTICE OF PROPOSED REPEALER

SOURCE: Adopted at 8 Ill. Reg. 12267, effective July 1, 1984; amended at 14 Ill. Reg. 14032, effective August 21, 1990; repealed at 22 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 1026.110 Summary and purpose

- a) This Part has been established to implement the provisions of The Freedom of Information Act (Ill. Rev. Stat. 1989, ch. 116, par. 201 et seq.) (FOIA). The purpose of this Part is to support the policy of providing public access to the public records in the possession of this Department while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) This Part creates a procedure by which the public may request and obtain public records.

Section 1026.120 Definitions (Repealed)

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 1026.130 Person to whom requests are submitted

Requests for public records shall be submitted to the Department's Freedom of Information (FOI) Officer. Requests shall be submitted to the following address:

Freedom of Information Officer
Department of Mental Health and Development Disabilities
401 South Spring Street
Springfield, IL 62765

ATTN: FOIA Request

Section 1026.140 Form and content of requests

- a) Requests made in accordance with the FOIA and this Part shall be in writing and may be submitted on FOIA request forms provided by the Department.
- b) The requestor shall provide the following information in a request for public records:
 - 1) The requestor's full name, address, and phone number;
 - 2) A brief description of the public records sought, being as specific as possible;
 - 3) Whether the request is for inspection of public records, copies of public records, or both;
 - 4) Whether the requestor wants copies "certified". The FOI Officer shall provide the appropriate FOI certification, when requested.

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SUBPART C: PROCEDURES FOR DEPARTMENT RESPONSE
TO REQUESTS FOR PUBLIC RECORDS

Section 1026.150 Timeline for Department response

- a) The Department shall respond to a written request for public records within seven working days after the receipt of such request.
- b) The Department may give notice of an extension of time to respond which does not exceed an additional seven working days. Such an extension is allowable only if written notice is provided within the original seven working day time limit and only for the reasons provided in Section 3(d) of the FOIA. Such notice of extension shall state the reasons the extension is necessary.

Section 1026.160 Types of Department responses

- a) The Department shall respond to a request for public records in one of five ways:
 - 1) Approve the request;
 - 2) Approve in part and deny in part;
 - 3) In the case of "undue burden" give the requestor the opportunity to narrow the request to the extent that the request no longer constitutes an undue burden;
 - 4) Deny the request;
 - 5) Refer the request to a different state agency.
- b) Upon approval of a request for public records, the Department may either provide the materials immediately, give notice that the materials shall be made available on payment of reproduction costs or give notice of the time and place for inspection of records.
- c) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of the FOIA and shall include the names and titles of individuals responsible for the decision. It shall also give notice of the requestor's right to appeal to the Director of the Department.
- d) Categorical requests creating an undue burden upon the Department shall be denied only after extending to the requestor an opportunity to narrow the request to manageable proportions in accordance with Section 3(f) of the FOIA.
- e) Failure to respond to a written request within seven working days may be considered by the requestor a denial of the request unless the requestor is otherwise notified. Such a denial may be appealed to the Director in accordance with Section 1026.170.

SUBPART D: APPEAL OF A DENIAL

Section 1026.170 Appeal and response

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- a) A requestor whose request has been denied by the FOI Officer may appeal the denial to the Director of the Department. The notice of appeal shall be made in writing and sent to:

Director

Department of Mental Health and Developmental Disabilities
401 South Spring Street
Springfield, IL 62765

ATTN: FOIA Appeal

- b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requestor, and a statement of the reasons why the appeal should be granted.
- c) The Director shall respond to an appeal within seven working days after receiving notice thereof. The Director shall either affirm the denial or uphold the appeal. Failure to respond within seven working days shall be considered by the requestor an affirmation of the denial unless otherwise notified.

Section 1026.180 Director's response to appeal (Repealed)

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section 1026.190 Inspection of records at Department offices

- a) Generally, public records will be made available for inspection during normal working hours of the Department.
- b) Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by Department employees.
- c) Unless otherwise arranged, the inspection of records shall take place at the office of the Freedom of Information officer. For purposes of convenience, either the Department or the requestor may request that inspection take place in another Department office location.
- d) An employee of the Department may be present throughout the inspection. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.
- e) Files shall be reviewed and confidential documents removed by Department employees before a requestor is permitted access to them. The FOI Officer shall be consulted in cases when employees have questions concerning confidentiality.
- f) The requestor shall arrange a time and date to review records that is convenient for the Department employees who maintain the requested records.
- g) A requestor may not remove records from the Department offices, except those copies produced during the course of inspection.

Section 1026.200 Copies of public records

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- a) Copies of public records shall be provided to the requestor only after payment of any charges which are due. If payment is not received within 60 days after the Department has notified the requestor of the changes, the Department shall consider the request withdrawn.
- b) Charges for copies of public records shall be assessed in accordance with the following fee schedule:
- 1) Paper copy from paper original - \$.05 per copy, after the first 100 copies;
 - 2) Paper copy from microfilm original - Commercial price;
 - 3) Documents requiring computer generation - Cost assessed the Department for computer time;
 - 4) Publications - Charges assessed on a cost-per-unit basis.
- c) Charges may be waived if:
- 1) The requestor is a state agency;
 - 2) The requestor is an agency of the federal, county, township, city or other governmental body;
 - 3) The requestor is a constitutional officer or a member of the General Assembly or United States Congress or staff of a constitutional officer or member of the General Assembly or United States Congress;
 - 4) The requestor is a not-for-profit organization;
 - 5) The requestor is indigent;
 - 6) The requestor is the news media; or
 - 7) The requestor states the specific purpose of the request and indicates that a waiver of a fee is in the public interest. Waiver of a fee is in the public interest if the principal purpose of the request is to access and disseminate information regarding the health, safety and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit in accordance with Section 6(b) of the FOIA (Ill. Rev. Stat. 1989, par. 206(b)).
- d) Charges may be waived in any other case when the Freedom of Information Officer determines that the waiver serves the public interest.

Section 1026.210 General materials available from the Freedom of Information Officer (Repealed)

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Section 1026.APPENDIX A Request for Public Records (Repealed)

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- 1) Heading of the Part: Safety Regulations Relative to Mixing, Handling, Transportation, Storage and Use of Blasting Agents and Nitro-Carbo-Nitrates

- 2) Code Citation: 62 Ill. Adm. Code 120

<u>Section Number:</u>	<u>Proposed Action:</u>
120.10	Repeal
120.20	Repeal
120.30	Repeal
120.40	Repeal
120.50	Repeal
120.60	Repeal
120.70	Repeal
120.80	Repeal
120.90	Repeal
120.100	Repeal

- 4) Statutory Authority: Implementing and authorized by the Illinois Explosives Act [225 ILCS 210]

- 5) A Complete Description of the Subjects and Issues Involved: These rules implemented the 1939 Illinois Explosives Act that has been substantially revised. The rules are outdated and inapplicable and are therefore being repealed.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed repealer contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: The proposed amendments will have no impact upon units of local government.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days after the publication of this notice to:

Cindy Bushur-Hallam, Legal Counsel
 Illinois Department of Natural Resources
 524 South Second Street
 Springfield IL 62701
 Telephone: (217)782-1809

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: This proposed repealer was inadvertently omitted from the recent regulatory agenda.

The full text of the Proposed Repealer begins on the next page.

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TITLE 62: MINING
CHAPTER I: DEPARTMENT OF MINES AND MINERALS

PART 120

SAFETY REGULATIONS RELATIVE TO MIXING, HANDLING,
TRANSPORTATION, STORAGE AND USE OF
BLASTING AGENTS AND NITRO-CARBO-NITRATES
(REPEALED)

Section

120.10	Definitions
120.20	Storage of Ammonium Nitrate
120.30	Mixing Plants
120.40	Composition
120.50	Storage of Blasting Agents
120.60	Transportation of Blasting Agents
120.70	Blasting Operations--General
120.80	Blasting Operations--Above Ground
120.90	Blasting Operations--Underground
120.100	Miscellaneous Rules

AUTHORITY: Implementing Section 1 and authorized by Section 13 of the Illinois Explosives Act [225 ILCS 210].

SOURCE: Adopted December 9, 1963; codified at 7 Ill. Reg. 10874; repealed at 22 Ill. Reg. _____, effective _____.

Section 120.10 Definitions

"Ammonium Nitrate." A chemical compound represented by the formula NH_4NO_3 , in any form including prilled, flaked, grained or crushed prills and with or without coatings or additives of clay, diatomaceous earth, or organic or inorganic anti-setting agents.

"Blasting Agent." A commercial blasting agent is an insensitive chemical composition or mixture, containing no nitroglycerin, which can be made to explode when initiated with a high explosive primer or any material or mixture of materials consisting of a fuel and oxidizer intended for blasting, which is not otherwise classed as an explosive, and in which none of the ingredients are classed as an explosive, provided that the material or mixture cannot be detonated by a No. 8 blasting cap under the conditions specified in the cap sensitivity test.

"Cap Sensitivity Test." The cap sensitivity test is a simple method of measuring the initiation sensitivity of a blasting agent. A one quart, cylindrical, cardboard carton, of the type commonly used for bulk ice cream, is filled with the blasting agent to be tested and

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packed to the approximate shipping package density. A commercial No. 8 blasting cap is inserted into the center of the blasting agent through a hole in the top of the carton. The charge is then placed on soft ground in an isolated area with adequate protection for personnel and the blasting cap fired. If a crater is formed in the soft ground of sufficient size to indicate that any part of the blasting agent detonated, the material is cap-sensitive and must be treated as a high explosive.

"Nitro-Carbo-Nitrate." A blasting agent that has been classified as a Nitro-Carbo-Nitrate under Interstate Commerce Commission regulations and which is packaged and shipped in compliance with these regulations.

Section 120.20 Storage of Ammonium Nitrate

a) General Precautions

Ammonium Nitrate either in bulk or in bags shall be stored so it is easily accessible and away from electrical wires, steam pipes, radiators, explosives, organic materials, acids, and any easily oxidized materials including oils, grease, solvents, etc.

b) Storage Buildings

Storage buildings for Ammonium Nitrate shall be constructed of non-combustible or fire-resistant materials. Corrugated metal roofing and siding over wood studding is considered satisfactory. The buildings shall be dry, well ventilated, and equipped with spark-arresting screens over the ventilators.

c) Storage Building Floors

The storage building floor shall be of non-combustible material, concrete or an approved substitute, and all open drains shall be effectively plugged to prevent molten Ammonium Nitrate flowing into such drains in case of a fire. Any cracks appearing in floor are to be repaired immediately.

d) Storage of Bags

Bags of Ammonium Nitrate shall not be stacked closer than 30 inches to building walls or in piles more than 20 feet in width. Aisles between piles of bags shall be not less than 30 inches wide, and shall be placed to provide easy access and ample ventilation. Bags shall not be closer than 36 inches from the eaves of the roof or from the supporting or spreader beams.

e) Storage Building Location

The following shall be considered in choosing an Ammonium Nitrate storage building location for temporary or permanent storage:

- 1) Maximum amount of intended storage.
- 2) Congestion of area, including highway and rail traffic, and public buildings.
- 3) Availability of fire fighting facilities.
- 4) State and Local regulations.

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- 5) Toxic-fume hazards in event of fire.
- f) Smoking and Open Flames
Smoking, smoking materials, and open flames are prohibited in or near Ammonium Nitrate storage areas. Signs to this effect shall be posted and the rule shall be enforced.
- g) Loosening of Caked Ammonium Nitrate
Under NO circumstances shall caked Ammonium Nitrate either in bags or in bulk be loosened by blasting with explosives.
- h) General Housekeeping
The Ammonium Nitrate storage area shall be kept clean and maintained in good housekeeping order. Ammonium Nitrate from broken bags shall be cleaned up promptly and rebagged or removed from the premises.
- i) Storage with Blasting Agents
If Ammonium Nitrate is stored in the same building with blasting agents, the combined quantity of both materials shall be considered as blasting agent and the location of the storage building must then conform to the distance table of the Coal Mining Act (Ill. Rev. Stat. 1981, ch. 96 1/2, par. 251 et seq.) with respect to inhabited buildings, passenger railroads, and public highways.
- j) Storage with Explosives
Ammonium Nitrate may be stored with explosives only in a properly constructed explosive magazine. The aggregated weight of all stored materials including explosives, blasting agents, and Ammonium Nitrate must then be used to determine conformance with the distance table of the Coal Mining Act.
- k) Bulk Storage
Bulk storage of Ammonium Nitrate may be in mobile or stationary trucks, vans, tanks, railroad cars, or similar conveyances or containers and shall be subject to the general precautions listed in Section 120.20(a) (b) and (c) and other rules set up herein.

Section 120.30 Mixing Plants

- a) Location of Mixing Plant
Plants for mixing Ammonium Nitrate with fuel oil and/or other carbonaceous materials shall be isolated from inhabited buildings, passenger railroads, and public highways in accordance with the Coal Mining Act distance table for explosives. The quantity of materials used in this determination shall be the maximum amount which will be in the mix building and the immediate area thereof at any one time and will include the sum total of the following materials:
 - 1) Finished product.
 - 2) Materials in process.
 - 3) Raw Ammonium Nitrate awaiting processing.
- b) Fuel Storage
Fuel oil and/or other carbonaceous fuels shall be stored in a separate building or in an outside tank to minimize possible contact between molten Ammonium Nitrate and fuel in case of fire. A shut-off valve

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- c) shall be installed in the fuel line at the fuel tank.
Separation of Mixing Plant and Storage Buildings
The location of the permanent storage area for blasting agents with respect to the mixing plant shall be in accordance with magazine separation distances of the Coal Mining Act distance table.
- d) Location of Operating Stocks
The layout of the mixing plant shall be such that there is physical separation between the daily operating stocks of raw Ammonium Nitrate, the finished mixed blasting agents, and the mixing and packaging operations.
- e) Mixing Building
The mixing building shall be of noncombustible construction; however, buildings made of corrugated metal sheeting over wood studs and framing are acceptable. It should have one or more natural-draft vents, equipped with spark-arresting screens.
- f) Mixing Building Floor
The floor of the mixing building shall be of concrete or of other approved non-absorbent material. A wash down house and drain shall be provided; however, any pipe-connected drains shall be provided with an effective closure and this closure shall be in place at all times except during wash down.
- g) Building Heat
Heat for the mixing building shall be provided from a source outside the building. However, space heaters that do not depend on a combustion process within the heating unit may be used if they are properly installed and maintained and are located no closer than 30 inches from raw materials and finished product. Such space heaters must conform to the requirements of the most recent National Electrical Code for installation in an explosive area.
- h) Electrical Equipment
All electrical switches, motors, controls, lights, etc., located in the mixing building or in the blasting agent storage building shall conform to the requirements of the National Electrical Code for installation in an explosive area; otherwise, they must be located outside the building.
- i) Mixing Equipment
The design of the mixer shall minimize the possibility of frictional heating, compaction, and especially confinement. Bearings and gears must be protected against accumulation of product dust and shall preferably be of the outboard type. All surfaces must be accessible for easy cleaning. The frame of the mixer and all other permanently located handling equipment shall be electrically bonded together and connected to an effective electrical ground. Mixing and packaging equipment shall be constructed of materials which are compatible with Ammonium Nitrate and with the fuel being used in the blasting agent mix. Zinc and galvanized metals shall not be used because of their tendency to promote and accelerate decomposition of Ammonium Nitrate. Copper shall not be used because of corrosion problems in the presence

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of Ammonium Nitrate.

- j) Water-Delete Systems
An automatic water-delete system is required to protect the mixing and packaging areas.

- k) Housekeeping

The mixing and packaging equipment and areas shall be cleaned and maintained properly to prevent accumulation of raw ingredients and finished product. The floors shall be washed down and the entire working area dusted or washed down. Discarded empty Ammonium Nitrate bags must be disposed of daily in a safe manner, such as burning in an isolated location or by burying. The area surrounding the mixing and packaging building shall be kept free of rubbish, dry grass, weeds or other combustible material for not less than 25 feet in all directions.

- l) Smoking and Open Flames

Smoking, smoking materials, or open flames shall not be permitted in or near the mixing and packaging building. Signs to this effect shall be posted and the rule shall be rigidly enforced.

- m) Repairs and Alterations

Welding and cutting with cutting torches shall not be permitted in the mixing or storage buildings while any blasting agent or Ammonium Nitrate is in the building. The building and area shall be cleaned or washed free of all Ammonium Nitrate and blasting agent before any welding or gas cutting operations are started. Where feasible, equipment should be removed from the building for repairs or alterations.

- n) Personnel Limitations

A limit shall be established on the number of personnel who may be in the mix building at any one time, and this limitation shall be posted and enforced.

- o) Product Limitations

No more than one day's production of blasting agent shall be permitted in the mixing and packaging building at any one time.

- p) Labeling

All cartridges, bags or other containers of blasting agents shall be labeled to indicate their contents. Ammonium Nitrate bags must not be re-used as containers for blasting agents unless they are positively relabeled accordingly.

Section 120.40 Composition

- a) Liquid Fuels

No liquid fuel shall be used in the blasting agent mix which has a flashpoint lower than that of No. 2 Diesel Fuel (125 degrees Fahrenheit). More volatile fuels such as gasoline, kerosene, or No. 1 Diesel Fuel, are not acceptable because they offer no significant advantage in blasting and do tend to increase the possibility of a vapor explosion and fire. Crude oil and crankcase drainings shall not

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be used because they may contain low flashpoint constituents or gritty particles which could increase the sensitivity of the blasting agent. Specifications of the liquid fuel shall be posted for interested parties observation.

- b) Mix Proportions

The fuel oil content of the blasting agent shall be approximately 5.7% by weight. This proportion shall be maintained within a reasonable production tolerance. If other carbonaceous fuels are used, an oxygen-balanced proportion shall be maintained. If solid fuels are used they shall be chosen and handled so as to minimize the possibility of dust explosions. Excessive oil shall not be used because it tends to desensitize both the priming charge and the blasting agent.

- c) Cap Sensitive Ingredients

If any cap sensitive ingredients are used or added to the blasting agent mix or package, such as detonating fuse, dynamite, etc., then the entire mix or package shall be considered as a Class "A" High Explosive and must be handled as such.

- d) Experimental Mixes

Unusual compositions or combinations of ingredients shall not be attempted except under the supervision of personnel competent by education and experience to evaluate the possibility of new hazards and unless the operation is equipped to determine the sensitivity of the resultant product. Metal dusts (such as aluminum powder), sulfur, perchlorates, and explosive substances (such as Nitroglycerin, TNT, and other high explosives) shall not be used to sensitize Ammonium Nitrate unless the strict standards of explosive plant operations can be and are met. Nitrites and chlorates shall not be used in blasting agent formulations.

- e) Cap Sensitivity

The cap sensitivity of the mix shall be checked at regular intervals as described in Section 120.10 definition of "Cap Sensitivity Test". If any change is made in mixing proportions, character of ingredients, or mixing procedure, another cap sensitivity test shall be made immediately.

Section 120.50 Storage of Blasting Agents

- a) Storage Buildings

Standard explosive magazine construction is preferred for buildings used to store blasting agents. However, other buildings which are one-story, without a basement and of non-combustible or fire-resistant construction may be used. The storage building must be kept clean, dry, and free of debris and empty containers. Combustible materials (including flammable liquids), corrosive acids, chlorates, nitrites, or similar materials shall not be stored in the same building with blasting agents.

- b) Van Storage

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Semi-trailer or full trailers used for highway or on-site transportation of blasting agents are satisfactory for temporary storage. Vans must be kept in condition for highway use. Parked vans shall be substantially blocked before they are unhitched from the trailers. Vans containing Ammonium Nitrate must be kept locked when unattended.

- c) Location of Storage Buildings and Vans
Buildings for permanent storage and trailers for temporary storage of blasting agents must be located in accordance with the State of Illinois Coal Mining Act distance table.
- d) General Housekeeping
The blasting agent storage building shall be ventilated, kept locked when unattended, and posted with warning signs. The surrounding area shall be kept free of rubbish, dry grass, weeds, and any other materials of a combustible nature for a distance of at least 25 feet in all directions. Broken bags or cartridges shall be cleaned up promptly and removed from the area. Blasting agents in bags or cartridges shall be stacked to provide air circulation and easy access by authorized personnel. (This does not apply to van storage).
- e) Smoking and Open Flames
Smoking, smoking articles, and open flames are prohibited in or near the blasting agent storage buildings or vans. Signs to this effect shall be posted and the rule shall be enforced.
- f) Prolonged Storage
Prolonged storage of Ammonium Nitrate-Fuel Oil blasting agents shall be avoided unless it is demonstrated that the properties of the mix and/or package will effectively prevent segregation and evaporation of the oil.
- g) Combined Storage
Blasting agents may be stored with explosives only in a properly constructed explosive magazine. The aggregated weight of all stored materials, including explosives, blasting agents, and Ammonium Nitrate must be used to determine conformance with the distance table of the Coal Mining Act.

Section 120.60 Transportation of Blasting Agents

- a) General Requirements
The regulations of the Federal Interstate Commerce Commission covering the transportation of blasting agents over public highways shall be considered as minimum requirements.
- b) Vehicles and Drivers
Vehicles used to transport blasting agents on public highways shall be in safe operating condition and shall be driven by a competent driver with a driver's license valid for the type of vehicle being driven. Drivers shall be familiar with all applicable Federal, State, and Local regulations and codes.
- c) Mobile Mixing Equipment
1) When misfires occur with Ammonium Nitrate used as a blasting

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Mobile processing equipment shall not be used for mixing of blasting agents while on public highways or other public thoroughfares or while in populated areas.

- d) Smoking and Open Flames
No person shall smoke, carry matches or other flame producing devices, or firearms while in or near a motor vehicle transporting blasting agents.
- e) Combined Shipments with Other Materials
Acids or other corrosive liquids shall not be transported in the same vehicle with blasting agents. If high-explosives are transported in the same vehicle with blasting agents, the combined weight shall be considered as high-explosives and handled as such.
- f) Passenger Vehicles
Blasting agents shall not be transported in any public vehicle carrying passengers for hire.
- g) Fires and Fire Extinguishers
All trucks transporting blasting agents shall carry at least one 10 lb. or two 5 lb. or larger Carbon-Dioxide fire extinguishers or at least two 4 lb. or larger dry chemical extinguishers. The extinguishers shall be of an I.C.C. approved type and shall be properly maintained. These extinguishers are effective against ordinary truck fires but are not effective against fires directly involving the blasting agent. Only copious quantities of water are effective in combating fire in blasting agents. Fires directly involving blasting agents should be fought only in the incipient stage and if efforts to control such a fire appears futile, the area should be evacuated as rapidly as possible.

Section 120.70 Blasting Operations--General

- a) Safety Aspects
Although blasting agents are generally less sensitive to accidental initiation than other explosives, they are still an explosive and should be handled with the care and respect due such a product. It should be remembered that in use they are virtually always combined with a cap sensitive explosive and the entire charge should be accorded the respect due the most sensitive element.
- b) Smoking and Open Flames
Smoking, smoking materials, and open flames shall not be permitted in the vicinity of any explosive loading or handling operations.
- c) Priming
Primers of adequate size and properties shall be used to insure against misfires and incomplete detonations. Failure to use adequate priming results not only in poor performance but also can cause copious quantities of toxic gases to be generated when the charge is fired.
- d) Misfires
1) When misfires occur with Ammonium Nitrate used as a blasting

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agent, they shall be treated and handled with the same respect shown to misfires occurring with dynamite. When there is reason to believe a misfire has occurred, no one shall return to the blasting area for a reasonable period of time. All personnel shall make sure it is free of visible reddish-brown fumes which indicate toxic concentration of nitrogen dioxide gas.

- 2) Misfires shall be handled under the personal supervision of a blasting foreman or pit foreman by competent and qualified personnel.

Section 120.80 Blasting Operations--Above Ground

a) Mixing at the Borehole Collar

For vertical boreholes, mixing blasting agents by pouring oil into the raw Ammonium Nitrate (outside the borehole) is acceptable; provided, the proper proportions of Fuel Oil and Ammonium Nitrate are used and an adequate soaking period is allowed before the mixture is poured into the borehole.

b) Mixing in the Borehole

Attempting to mix blasting agents in the borehole by pouring oil onto Ammonium Nitrate previously loaded in the hole is not acceptable. Such a procedure has proven inefficient and is apt to cause misfires and toxic fumes.

c) Mixing and Delivering Trucks

Trucks designed to mix blasting agents at the blasting site and/or deliver the mixed material directly into the borehole are acceptable provided:

- 1) They meet the requirements for transporting such blasting agents. (See Section 120.60)
- 2) Produce a mix of the proper proportions and consistency.
- 3) Do not subject the mixture to excessive pressures before it is released into the borehole.

d) Fumes

Before re-entering the blast area, all personnel shall make certain it is completely free of visible reddish-brown fumes which indicate toxic concentrations of Nitrogen Dioxide gas.

e) Pneumatic Loading

If pneumatic loading of blasting agents is used above ground, the pertinent rules that are listed under Section 120.90 shall apply.

f) Hot Boreholes

Boreholes heated from drilling or "springing" shall not be loaded until they have cooled to less than 150 degrees Fahrenheit.

g) Special Rules

If explosives, blasting agents, detonators, blasting caps, or detonating fuses are hauled in or on the same vehicle, the complete load shall be classed as a Class "A" explosive and shall be governed as such.

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- 1) Individual containers used to carry or transport explosives, blasting agents, detonating fuses or blasting caps, separately or with each other, that are being moved over land to the highwall, pit, or magazine, shall be constructed of substantial non-conductive material.
- 2) When any of the material mentioned above is being moved, the vehicle, carrier or special equipment shall be granted the right-of-way.
- 3) Only the driver shall be allowed to ride on such vehicle, unless a helper is used to handle and transport the above mentioned materials, then the helper shall be permitted to ride along with the driver and never more than two men shall be in the vehicle used for transportation.
- 4) The driver and helper shall not be permitted to carry any tools, smoking material, other flame making devices, permitted to smoke, nor shall this vehicle be used for any other purpose when carrying explosive materials or mixtures.

i)

- 1) Blasting agents, explosives, detonators, blasting caps, detonating fuses, etc., stored near or in the pit, highwall, roadway, or general pit area shall be stored in separate closed containers of substantial, non-conductive material, located not less than 15 feet from power lines, used passageways, roadways, or moving equipment.
- 2) When any of the above materials are removed from these storage places for use, they shall be removed in their original containers; and, not more than a 48-hour supply of any of these above mentioned materials (including any surplus remaining from the previous day, shift, or shifts) shall be stored as above.
- 3) Primers, detonators, explosives, and detonating fuses when removed from the storage places, shall be kept in their containers until holes are drilled, either on the highwall or in the pit, and then the materials can be stacked on the ground near the hole ready for use. If power lines or trailing cables of any electrical equipment is within 15 feet of any such holes, the materials shall not be stored alongside until power lines, cables, etc., are removed.
- 4) Charged holes must be properly stemmed to assure maximum efficiency from explosive materials used. The leg wires of electrical detonators shall be kept shunted until ready to connect to the firing cable. A cable of proper voltage capacity and proper length to insure safety shall be used in all blasting operations, and this cable shall also be shunted. Shots shall be fired by the person that connects the detonator to the detonating fuse or its equal, and the shooting cable to the detonator, but before the actual blasting is done, it shall be the responsibility of the man in charge to see that all persons have been removed from the area that will be affected by said blast.

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- 5) Holes shall not be loaded during an electrical storm nor when there is danger from sparks, flame, or other sources of ignition.
- j) All persons shall be forewarned before blasting is permitted and a warning alarm or signal given a short period before blasting.
- k) Guards or suitable signs shall be posted at strategic locations when overburden is being blasted to prevent any one entering blasting area. Blasts shall be fired as soon as possible after they are charged.
- 1) Shots shall be charged and fired by competent and qualified personnel, in accordance with the provisions set forth in Section 120.100.
- m) All magazines, magazine boxes, or other storage facilities when not attended must be locked.

Section 120.90 Blasting Operations--Underground

- a) Underground Coal Mines
Blasting agents shall not be used in underground coal mines, unless approved by the Department of Mines and Minerals of the State of Illinois.
- b) Mix Composition
Blasting agents intended for use underground shall be carefully compounded in an oxygen-balanced mixture to minimize the possibility of producing toxic fumes. A positive mixing method shall be employed to assure consistent uniform compositions. Mixing of blasting agents shall not be done underground.
- c) Loading Boreholes
When loading blasting agents in underground use, care shall be used to assure the cross section of the borehole is completely filled and that a continuous column, free of voids and impurities is obtained.
- d) Pneumatic Loading
The possibility that pneumatic loading devices may generate static electricity in sufficient amounts to cause premature detonation of the priming charge must be recognized. Before pneumatic loading is employed at any operation, thorough tests using adequate equipment shall be made to evaluate this hazard. Such pneumatic devices shall not be employed in full scale operation until such tests are complete and evaluated (including the introduction of additional safety factors to account for all variations of temperature, humidity, and air pressure which might occur), and are approved by the Department of Mines and Minerals of the State of Illinois. All loading operations shall be stopped immediately if the presence of static electricity or stray electrical currents are detected, and the condition must be remedied before loading is resumed.
- e) Pneumatic Loading Equipment
All elements of pneumatic loading devices shall be electrically bonded together and adequately grounded to dissipate any static charges which might be generated during loading operations. Water lines, air lines, rails or the permanent electrical grounding system for other equipment shall not be used to ground pneumatic loading equipment.

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- f) Pneumatic Loading Hose
The hose or tube used in the pneumatic loading system to convey the blasting agent from the hopper into the borehole shall be of the semi-conductive type, with a total resistance low enough to dissipate any charge of static electricity which might be generated and high enough to limit any flow of stray current to a safe level. In general, the resistance of such hose should be not less than 5,000 ohms per foot nor more than 3,000,000 ohms for the entire length. Periodic checks should be made of the hose to assure that the resistance does not change in usage to a value outside the safe operating limits. Metal tubes and wire counteracted rubber hose shall not be used on pneumatic loading equipment.
- g) Borehole Sleeves and Liners
Plastic or other non-conductive sleeves or liners shall not be used in boreholes being loaded pneumatically unless a positive grounding method is used inside the liner.
- h) Protection from Water
Because water decreases the sensitivity of blasting agents and increases the output of toxic fumes on detonation, every reasonable precaution shall be taken to protect blasting agents from water both during storage and in use. Before loading boreholes containing water with blasting agents, the water shall be thoroughly removed. If water continues to flow into the hole, a water resistant explosive shall be used rather than a blasting agent.
- i) Health Hazards of Ammonium Nitrate and Fuel Oil
Only limited information is available on the possible health hazards related to exposure to Ammonium Nitrate dust and fuel oil fumes. The possibility of irritating effects from these sources should be recognized and corrective action taken where a need is indicated.
- j) Fumes
In operations where blasting agents as defined herein are used underground, examination with proper instruments shall be made to assure that the level of toxic fumes, gases, and proper ventilation are within safe limits.

Section 120.100 Miscellaneous Rules

- a) In the application of the provisions of Section 120.40 (d), should different compositions or combinations of ingredients be proven better or more efficient and the decision to use same is indicated, the Mining Board in the Department of Mines and Minerals shall be consulted before using.
- b) The handling of blasting agents and explosives, the wiring of shots, detonating, and blasting shall be done only by experienced, trained and well-qualified personnel.
- c) These rules may be amended at any regular meeting of the Mining Board.
- d) Violation of these rules may result in the cancellation of the "Certificate of Compliance" as described on Page 96, Section 8 of the

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Coal Mining Act by the Mining Board after hearing before said Board on the specific complaint of the State Mine Inspector or Metal Mine Inspector. At least fifteen (15) days notice shall be given to the parties of interest in such hearing.

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NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Radiation Inspectors and Inspections

2) Code Citation: 32 Ill. Adm. Code 410

3) Section Number:
410.20 Proposed Action:
Amendment
410.30 Amendment
410.40 Amendment
410.50 Amendment
410.60 Amendment
410.65 New Section
410.70 Amendment
410.80 Amendment

4) Statutory Authority: Implementing and authorized by Sections 5 and 25 of the Radiation Protection Act of 1990 [420 ILCS 40/5 and 25] (see P.A. 90-391, effective August 10, 1997).

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to implement statutory revisions and make other necessary changes. This amendment will: (1) clarify nondepartment qualified inspectors education/experience requirements in Section 410.20; (2) allow the Department to limit the fields of inspection and testing services by nondepartment qualified inspectors in Section 410.20; (3) change the amount of the application and annual registration fee for nondepartment qualified inspectors in Section 410.30; (4) update the language in Section 410.40 to be consistent with the Act; (5) eliminate the requirement that operators shall submit the appropriate inspection review fee with the inspection report in Section 410.50; (6) delete the language contained in Section 410.60 regarding inspection and testing fees and clarify that radiation machines used for mammography shall be inspected pursuant to 32 Ill. Adm. Code 370; (7) revise the Class A and Class C categories of radiation installations to be consistent with the Act. Class A is being amended to remove language regarding the regulation of electron microscopes and Class C is being amended to include installations with radiation therapy machines; (8) add a new Section 410.65 that relates to the annualized fee for inspection and testing; (9) clarify the wording regarding radiation installations in Section 410.70; and (10) delete unnecessary operator requirements in Section 410.80.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

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- 10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Robert B. Holtscclaw
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, Illinois 62704
(217) 524-1003 (voice)
(217) 782-6133 (TDD)

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities or not for profit corporations affected: The Department does not believe that these amendments will impact small municipalities or not for profit corporations. Small businesses operated by nondepartment qualified inspectors will be impacted by these amendments due to the increase in application and registration fees.

B) Reporting, bookkeeping or other procedures required for compliance: These amendments do not require any additional reporting, bookkeeping or other procedures to be in compliance with this rulemaking.

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment begins on the next page:

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TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 410

RADIATION INSPECTORS AND INSPECTIONS

Section	Policy and Scope
410.10	Radiation Inspectors Education/Experience and Instrumentation Requirements
410.20	Approval of Application and Application/Registration Fees
410.30	Suspension and Revocation of Registration as a Nondepartment Qualified Inspector
410.35	Radiation Installations and Classifications
410.40	Inspection Procedures
410.50	Choice of Type of Inspector-Inspection-Fees and Inspection Schedule
410.60	Inspection Fees
410.65	Separate Installation
410.70	Change in Operator
410.80	

ILLUSTRATION A New Facility Filing Anniversary Date (Class C Facility Used As An Example) (Repealed)

ILLUSTRATION B Existing Facility Filing Anniversary Date (Class B Facility Used As An Example) (Repealed)

AUTHORITY: Implementing and authorized by Sections 5 and 25 of the Radiation Protection Act of 1990 [420 ILCS 40/5 and 25].

SOURCE: Adopted at 8 Ill. Reg. 23209, effective November 19, 1984; amended at 9 Ill. Reg. 17821, effective November 5, 1985; amended at 10 Ill. Reg. 13265, effective July 29, 1986; amended at 13 Ill. Reg. 342, effective January 30, 1989; amended at 14 Ill. Reg. 13638, effective August 13, 1990; amended at 17 Ill. Reg. 17953, effective October 4, 1993; amended at 20 Ill. Reg. 9570, effective July 5, 1996; amended at 22 Ill. Reg. _____, effective _____.

Section 410.20 Radiation Inspectors Education/Experience and Instrumentation Requirements

- a) Inspections and testing of radiation machines shall be conducted by designated Department personnel or by nondepartment qualified inspectors that are approved by the Department in accordance with Section 410.30 of this Part.
- b) In addition to satisfying the other requirements for approval set forth in this Part, an individual seeking approval as a nondepartment qualified inspector shall meet the education/ certification and experience in clinical practice requirements indicated in any one of the criteria set forth in this subsection (b).

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to perform inspections and tests in accordance with Department standards.

d) The Department may limit the fields of inspection and testing services offered by an approved nondepartment qualified inspector, based upon the experience information submitted in the application. These fields shall include, but not be limited to, industrial, medical and therapeutic uses of x-rays.

e) Individuals approved by the Department as nondepartment qualified inspectors will continue to remain approved as nondepartment qualified inspectors unless approval is removed for cause pursuant to Section 410.35 of this Part.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 410.30 Approval of Application and Application/Registration Fees

- a) An applicant for approval by the Department as a nondepartment qualified inspector shall submit a complete and legible application on a form prescribed and furnished by the Department. Each applicant shall pay an application fee of \$200 which will serve as a registration fee for the remainder of the calendar year. The application fee is non-refundable. ~~The Department shall assess each applicant an application fee of \$50 which will serve as a registration fee for the remainder of the calendar year. The application fee is non-refundable. (Section 25(e) of the Act)~~
- b) The Department shall provide written notification to the applicant concerning the status of the application within 4 weeks after receipt of the application. If approval is granted, the applicant shall receive a "Notice of Approval" and the individual's name and address shall be entered in the record of persons approved as nondepartment qualified inspectors of radiation machines.
- c) All nondepartment qualified inspectors shall pay an annual registration fee of \$200 payable by January 1 of each year. ~~The registration fee is non-refundable. The Department shall assess all nondepartment qualified inspectors an annual registration fee of \$50 payable on January 1 of each year. Failure of the inspector to remit the appropriate registration fee by January 1, will cause the Department to remove the individual's name from the record specified in subsection (b) of this Section. If an individual's name is removed from the record of nondepartment qualified inspectors, the Department will not accept radiation machine inspection reports completed on or after the date the inspector's name was removed from the record. Radiation machine inspection reports prepared and submitted after an individual has been reinstated to the record will be accepted by the Department.~~
- d) If an individual's name has been removed from the record of

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- | Education and/or Certification | Experience |
|--|---|
| 1) Certification by the American Board of Radiology, American Board of Medical Physics or Canadian College of Medical Physics, in radiological physics, or diagnostic radiological physics or therapeutic radiological physics | and experience included in certification. |
| 2) Certification by the American Board of Health Physics | and 6 months of x-ray survey experience. |
| 3) Doctorate (Ph.D.) or Master's (MS/MA) degree in health physics, medical radiological physics or physics | and 1 year of applied x-ray radiation protection experience of which 6 months must be x-ray experience. |
| 4) Bachelor's (BS/BA) degree in health physics, medical radiological physics or physics | and 2 years of applied x-ray radiation protection experience of which 6 months must be x-ray survey experience. |
| 5) Master's (MS/MA) or Bachelor's (BS/BA) degree in a physical or life science, or in mathematics, or other equivalent degree as determined by the Department | and 3 years of applied x-ray radiation protection experience of which 1 year must be x-ray survey experience. |

AGENCY NOTE: A degree that is not readily identifiable as meeting the requirements of this Part may be referred to the State Board of Higher Education for a determination of the degree classification.

c) Upon initial application to the Department, and as a condition for approval as a qualified inspector, an applicant shall submit verification of access to instruments which will enable the individual

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nondepartment qualified inspectors due to nonpayment of the fee prescribed in this Section 25(f)-of-the-Act, that individual's name shall be reinstated automatically to the record of nondepartment qualified inspectors upon payment of and receipt by the Department of the prescribed fee.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 410.40 Radiation Installations and Classifications

Radiation installations shall be classified based on the type of radiation machines located within the installation as follows:

- a) Class A - shall include all radiation machines located in dental offices and clinics and used solely for dental diagnosis or located in veterinary offices and used solely for diagnosis and all installations using commercially manufactured cabinet radiographic/fluoroscopic radiation machines. [420 ILCS 40/25(f)] and electron-microscopes. (See Section-25(f)-of-the-Act.)
- b) Class B - shall include all radiation machines, other than machines used for performing mammography, located in offices or clinics of persons licensed under the Medical Practice Act of 1987 (111-Rev-Stat--1991-Chr--111-Par--440-I-et-seq-) [225 ILCS 60], or under the Podiatric Medical Practice Act of 1987 (111-Rev-Stat--1991-Chr--111-Par--480-I-et-seq-) [225 ILCS 100] and used solely for diagnosis or therapy and all installations using spectroscopy radiation machines, noncommercially manufactured cabinet radiographic/fluoroscopic radiation machines, portable radiographic/fluoroscopic units, non-cabinet baggage/package fluoroscopic radiation machines and electronic beam welders. [420 ILCS 40/25(f)] (See-Section-25(f)-of-the-Act.)
- c) Class C - shall include all radiation machines which are not classified as Class A or Class B. Class C shall include but not be limited to radiation machines located in hospitals and educational institutions, all radiation machines used for performing mammography procedures, therapy and all installations using diffraction radiation machines, open radiography radiation machines, closed radiographic/fluoroscopic radiation machines and radiation machines used as gauges. Test booths, bays, tubs,--baths or rooms used by manufacturing, assembly or repair facilities for testing radiation machines shall be categorized as Class C radiation installations. [420 ILCS 40/25(f)] (See-Section-25(f)-of-the-Act.)
- d) Radiation installations utilizing radiation machines that are in different classes (see subsections (a), (b) and (c) of this Section above) will be assigned a classification based upon the machine(s) requiring the most frequent inspecting and testing. (See Section 410.60(d) of this Part.)

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 410.50 Inspection Procedures

a) The nondepartment qualified inspector shall:

- 1) Establish whether radiation machines are being maintained and operated in accordance with standards established by the Department to protect the public health as set forth in 32 Ill. Adm. Code 310, 320, 340, 350, 360, 380, 390, 400, 401 and 405; and
- 2) Consult with the operator to ascertain the identity of individuals who use the equipment to administer ionizing radiation to human beings (see 32 Ill. Adm Code 360.30(a)(4) and 360.30(i)) and to verify that those named individuals are licensed in accordance with State law, are accredited by the Department or are exempt from such requirements in accordance with 32 Ill. Adm. Code 401.30.
- b) The nondepartment qualified inspector shall provide timely, accurate and thorough inspection reports and certify all survey findings on appropriate Department radiation machine inspection forms. A--survey instruction--manual--will--be--provided--to--each--inspector--by--the Department--for--the--completion--of--this--requirement.
- c) The nondepartment qualified inspector shall perform radiation measurements with instruments which are sufficiently sensitive to determine compliance with the standards established by the Department under this section. These instruments shall be calibrated with devices which have no more than a three-step (tertiary) calibration, traceable to the National Institute of Standards and Technology.
- d) The nondepartment qualified inspector shall certify on each radiation inspection report that he/she prepares for submission to the Department that he/she personally performed the inspection and that the inspection was performed in accordance with the standards established by the Department. ~~shall--certify--on--each--radiation inspection--report--that he prepares for submission to the Department that he personally performed the inspection and--that--the--inspection was--performed--in--accordance--with--the--standards--established--by--the Department--(Section-25(f)-of-the-Act)~~
- e) The nondepartment qualified inspector shall certify on appropriate Department radiation machine inspection forms for each inspection that his/her instruments have been properly calibrated at intervals not to exceed 12 months prior to each inspection.
- f) The nondepartment qualified inspector shall maintain, for a period of at least one inspection cycle (see Section 410.60(d) of this Part), a copy of all inspection data gathered during inspections of radiation machines conducted in accordance with subsection (a) of this Section.
- g) Each operator of a radiation installation shall, within 30 days of completion of the inspection and testing of each radiation machine by

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a) nondepartment qualified inspector, forward a clear, legible copy of the inspection report to the Department. ~~along-with-the-appropriate inspection-review-fee-to-the-Department--(See-Section-410-60(a)(3)-of this-Part)~~

h) In the event the Department has reason to question the accuracy or thoroughness of a radiation machine inspection report due to the submission of incomplete or contradictory information or, if the Department is not able to verify compliance with the Department's standards for operating such equipment in accordance with 32 Ill. Adm. Code 310, 320, 340, 350, 360, 380, 390, 400, and 401 and 405, the report will be returned to the operator for completion, correction or for reinspection as appropriate. Forms returned to the operator for corrections or completion, or for reinspection must be returned to the Department within 30 days of receipt.

i) Within 30 days of receipt of a completed radiation machine inspection report, the Department will provide results to the operator regarding the inspector's survey.

j) Reviews of nondepartment qualified inspectors' survey findings and inspection procedures will be conducted by the Department. Items and procedures considered as part of such reviews shall include, but need not be limited to, one or more of the following:

- 1) The type of instruments used by the inspector;
- 2) The procedures for the use of these instruments to determine compliance with Department standards;
- 3) The thoroughness and accuracy of inspection reports;
- 4) Use of other documents and investigative procedures to assure compliance with Department standards listed in subsection (a) of this Section;
- 5) Reinspection and testing by the Department of the radiation machines, records, and associated operation procedures of a radiation installation that were inspected by a nondepartment qualified inspector; and
- 6) Visual observation of the nondepartment qualified inspector during the performance of an inspection.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 410.60 Choice of Type of Inspector, ~~Inspection--Fees~~ and Inspection Schedule

a) Operators of radiation installations shall assure that the installations, including all radiation machines located therein, are registered with the Department in accordance with the provisions of 32 Ill. Adm. Code 320 and are inspected and tested in accordance with the requirements of this Part.

b) Operators of radiation installations may elect to have their radiation machines and associated operating procedures inspected and

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tested by either a Departmental inspector or by a nondepartment qualified inspector whose name is included in the Department's record of persons approved as nondepartment qualified inspectors of radiation machines. However, radiation machines used for mammography shall be inspected by the Department pursuant to 32 Ill. Adm. Code 370.

2) ~~The-fee-for-a-Department-inspection-and-testing-will-be--\$55--per radiation-machine-located-in-dental-offices-and-clinics-and-used solely-for-dental-diagnosis,--in--veterinary--offices--and--used solely-for-diagnosis,--or--in--offices--and--clinics--of--persons licensed-under-the-Podiatric-Medical-Practice-Act--of--1987 (225 ILCS--100) and-used-solely-for-diagnosis-or-therapy--The-fee-for inspection-and-testing-in-all-other-cases--shall--be--\$89--per radiation-machine- (Section-25(a)-of-the-Act)~~

3) ~~if--the-operator-elects--to--have--a--nondepartment-qualified inspector--inspect--and--test--the--radiation--equipment,--the Department--will--assess--an--inspection--review--fee--of--\$25--per radiation-machine--The-inspection-review-fee-shall-not-apply--to inspections--of--radiation-machines-used-for-mammography. (Section 25(b)-of-the-Act)~~

4) ~~The-Department-shall-bill-the-operator-for-the-appropriate-fee-as soon-as-practical--after--the-machine--has--been--inspected--and tested.~~

A) ~~Fees-assessed-under-this-Section shall-be-due-within-60-days of-billing. (Section-25(a)-of-the-Act)~~

B) ~~If--the-fee--is--not--paid--within--60--days--of--the-initial billing,--the-Department--may--order--the--operator--of--the installation--to--cease--use--of--the-machines--for--which--the-fee is-outstanding--or--take--other--appropriate-enforcement--action as--provided--in--Section-36--of--the-Act. (Section-25(a)-of-the Act)~~

c) Operators of radiation installations shall assure that all radiation machines located in that installation are maintained and operated in accordance with standards established by the Department to protect the public health and safety as set forth in 32 Ill. Adm. Code 310, 320, 340, 350, 360, 370, 380, 390, 400, and 401 and 405. Operators shall also assure that all persons who use a radiation machine to administer ionizing radiation to human beings are licensed in accordance with the requirements of 32 Ill. Adm. Code 360.10, or are accredited by the Department, or exempt from such requirements in accordance with 32 Ill. Adm. Code 401.30.

d) Inspection Report Filing Anniversary Date

1) ~~Each radiation machine shall be inspected and tested within 6 months after the date after initial installation. Each operator of-a-radiation-installation-shall-file-an-application-for-initial inspection-and-testing-to-be-performed-by-either--a--Departmental inspector--or--a--nondepartment-qualified-inspector--no-later-than--90 days--after--the--initial--installation--of--a--radiation-machine,--the--radiation--machines--shall--be--inspected--and--tested--in~~

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accordance with Section 410.50(a) of this Part and radiation inspection reports filed with the Department within 6 months of the date of initial installation (Section 25(c) of the Act). The filing anniversary date for filing subsequent radiation machine inspection reports. All future inspection and testing of the operator's radiation machine(s) must be performed and the radiation inspection report filed either on the filing anniversary date or within the 5-month period immediately preceding the operator's filing anniversary date. Submission of inspection reports within the 5-month period immediately preceding the operator's filing anniversary date will not change the filing anniversary date for subsequent inspection reports.

- 2) If any radiation machine machine(s) is installed, relocated (i.e., stationary equipment that has been moved) or reactivated within 7 months prior to the operator's inspection report filing anniversary date and if the machine machine(s) is inspected during the 7-month period, the radiation machine(s) does not have to be reinspected within the 5-month period prescribed in subsection (d)(1) of this Section. the radiation inspection reports shall be filed with the Department on or before the operator's inspection report filing anniversary date.
- 3) If any radiation machine(s) totally replaces the operator's radiation machine inventory, the operator's inspection report filing anniversary date will be changed to the end date of the inspection and testing of the radiation machine(s). In accordance with subsection (c) of this Section, inspection reports shall be filed within 6 months from the date of installation of the replacement machine(s).

e) Radiation installations shall be inspected on an operator-shall file an application for subsequent inspections to be performed by either a Departmental or nondepartment-qualified inspector in accordance with the following schedule:

- 1) Operators of Class A installations shall be inspected at intervals not exceeding file an application for inspection each 5 years.
- 2) Operators of Class B installations shall be inspected at intervals not exceeding file an application for inspection each 2 years.
- 3) Operators of Class C installations shall be inspected at intervals not exceeding 1 year file an application for inspection annually.

- 4) Applications for inspections of existing radiation machines must be filed with the Department within 6 months of the operator's inspection report filing anniversary date.

f) Operators of radiation installations shall notify the Department within 30 days after of the installation of new, used, relocated, or reactivated radiation machines. Inspection and testing of the

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radiation machine(s) shall be performed in accordance with subsection (d) of this Section and radiation inspection report(s) filed with the Department within 6 months after of the date of installation/activation of the system(s). The selection of Departmental or nondepartment qualified inspector which was made pursuant to subsection (b) (d) of this Section, shall also apply to inspections of equipment required by this subsection (f) (e), unless the Department is notified that a change is requested. This Section applies to the relocation or reactivation of a radiation machine(s) that previously had been stored or rendered mechanically or electrically inoperable by the operator.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 410.65 Inspection Fees

- a) The annualized fee for inspection and testing shall be based on the rate of \$55 per radiation machine for machines located in dental offices and clinics and used solely for dental diagnosis. Located in veterinary offices and used solely for diagnosis, or located in offices and clinics of persons licensed under the Podiatric Medical Practice Act of 1987 and shall be based on the rate of \$80 per radiation machine for all other radiation machines. [420 ILCS 40/25(a)]
- b) If the operator elects to have a nondepartment qualified inspector inspect and test the radiation equipment, the annualized inspection review fee shall be based on the rate of \$25 per radiation machine. This inspection review fee shall not apply to inspections of radiation machines used for mammography. [420 ILCS 40/25(b)]
- c) The Department shall bill the operator as soon as practical after January 1 for the appropriate fee.
 - 1) Fees assessed under this Section shall be due within 60 days of billing. [420 ILCS 40/25(a)]
 - 2) If the fee is not paid within 60 days of the initial billing, the Department may order the operator of the installation to cease use of the machines for which the fee is outstanding or take other appropriate enforcement action as provided in Section 36 of the Act. [420 ILCS 40/25(a)]

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 410.70 Separate Installation

Radiation installations shall be defined as any location or facility where radiation machines are used. For purposes of registration and inspection frequency, the Department shall interpret "radiation installation" as follows:

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- a) A facility where one or more radiation machines which are utilized by a given Class as defined in Section 410.40 of this Part are operated by the same person and are located either in a single building or in a group of buildings which are contiguous to one another will be treated as a single radiation installation, except as provided in subsection (b) of this Section below.
- b) If the Department is treating radiation machines which are located in different buildings as being part of a single radiation installation in accordance with subsection (a) of this Section above and the operator seeks to have the facilities treated as separate installations, the Department will consider the facilities as separate radiation installations upon receipt of a written request of the operator.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 410.80 Change in Operator

Within 30 days after of changing the operator of a radiation installation, the new operator must notify the Department in writing, or by telephone or other electronic means and must file an application for inspection by either a Departmental inspector or by a nondepartment-qualified inspector. Such filing and inspection must be made regardless of the length of time which has passed since the most recent inspection of the radiation installation through the previous operator.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hazardous Waste Injection Restrictions
- 2) Code Citation: 35 Ill. Adm. Code 738
- 3) Section Numbers: 738.118
Proposed Action: Amended
- 4) Statutory Authority: 415 ILCS 5/13(c), 22.4, and 27
- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 17, 1998, proposing amendments in consolidated dockets R98-21/R99-2/R99-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

- R98-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.
- R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.
- R99-7 Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

- 62 Fed. Reg. 37699
(July 14, 1997)
- USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.
- 62 Fed. Reg. 45568
(August 28, 1997)
- USEPA issued a second emergency extension of the alternative treatment standards for carbamate wastes for one year, until August 26, 1998.

POLLUTION CONTROL BOARD

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62 Fed. Reg. 64503
(December 5, 1997)

USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656
(December 8, 1997)

USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503
(April 15, 1998)

USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

63 Fed. Reg. 24595
(May 4, 1998)

USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963
(May 6, 1998)

USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

63 Fed. Reg. 28555
(May 26, 1998)

USEPA adopted "Phase IV" land disposal restrictions.

63 Fed. Reg. 33781
(June 19, 1998)

USEPA partially adopted the hazardous waste combustion rules.

63 Fed. Reg. 35147
(June 29, 1998)

USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has already taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997, in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997, federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions

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that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

63 Fed. Reg. 42580
(August 10, 1998)

USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331
(August 31, 1998)

Technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 48124
(September 9, 1998)

USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394
(September 15, 1997)

USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

62 Fed. Reg. 48394
(September 15, 1997)

Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

62 Fed. Reg. 64503
(December 5, 1997)

Clarification of when a treatment variance is available.

62 Fed. Reg. 64656
(December 8, 1997)

Clarifying and corrective amendments to the Subpart CC rules.

63 Fed. Reg. 18503
(April 15, 1998)

Pulp and paper industry sector standards.

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- 63 Fed. Reg. 24595
(May 4, 1998)
- 63 Fed. Reg. 24963
(May 6, 1998)
- 63 Fed. Reg. 28555
(May 26, 1998)
- 63 Fed. Reg. 33781
(June 19, 1998)
- 63 Fed. Reg. 35147
(June 29, 1998)
- 63 Fed. Reg. 38756
(July 20, 1998)
- 63 Fed. Reg. 42580
(August 10, 1998)
- 63 Fed. Reg. 44146
(August 18, 1998)
- 63 Fed. Reg. 46331
(August 31, 1998)
- 63 Fed. Reg. 48124
(September 9, 1998)
- Organobromine chemicals waste rules.
- Used oil mixtures rules for PCB-contaminated oils.
- "Phase IV" land disposal restrictions.
- Hazardous waste combustion rules.
- Technical amendments to the organobromine waste rules.
- Correction to 40 C.F.R. 136.3(e), table.
- Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.
- Correction to 40 C.F.R. 136.3(e), table.
- Technical amendments to the organobromine waste rules.
- Extension of the Phase IV LDR compliance deadline.
- Specifically, the amendments to Part 738 include segments of the federal May 4, 1998, organobromine waste rules, the May 26, 1998, Phase IV LDR amendments, and the corrections of June 29, 1998.
- Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No.
None of the existing text of Part 738 involved in this proceeding includes

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- an incorporation by reference.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R98-21/R99-2/R99-7 and be addressed to:
- Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601
- Address all questions to Michael J. McCambridge at 312-814-6924.
- Request copies of the Board's opinion and order from Victoria Agyeman at 312-814-3620.
- 12) Initial regulatory flexibility analysis:
- A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.
- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.
- C) Types of professional skills necessary for compliance: Compliance

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with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

- 13) Regulatory Agenda on which this rulemaking was summarized: January and July 1998

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND
UNDERGROUND STORAGE TANK PROGRAMS

PART 738

HAZARDOUS WASTE INJECTION RESTRICTIONS

SUBPART A: GENERAL

Section	Purpose Scope and Applicability
738.101	Definitions
738.102	Dilution Prohibited as a Substitute for Treatment
738.103	Case-by-Case Extensions of an Effective Date
738.104	Waste Analysis
738.105	

SUBPART B: PROHIBITIONS ON INJECTION

Section	Waste Specific Prohibitions - Solvent Wastes
738.110	Waste Specific Prohibitions - Dioxin-Containing Wastes
738.111	Waste Specific Prohibitions - California List Wastes
738.112	Waste Specific Prohibitions - First Third Wastes
738.113	Waste Specific Prohibitions - Second Third Wastes
738.114	Waste Specific Prohibitions - Third Third Wastes
738.115	Waste-Specific Prohibitions - Newly-Listed Wastes
738.116	Waste-Specific Prohibitions - Newly Identified Wastes
738.117	
738.118	

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section	Petitions to Allow Injection of a Prohibited Waste
738.120	Required Information to Support Petitions
738.121	Submission, Review and Approval or Denial of Petitions
738.122	Review of Adjusted Standards
738.123	Termination of Adjusted Standards
738.124	

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in R90-14 at 15 Ill. Reg. 11425, effective July 24, 1991; amended in R92-13 at 17 Ill. Reg. 6190, effective April 5, 1993; amended in R93-6 at 17 Ill. Reg. 15641, effective September 14, 1993; amended in R95-4 at 19 Ill. Reg. 9501, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 238,

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effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. _____, effective _____; amended in R98-21/R99-2/R99-7 at 22 Ill. Reg. _____, effective _____.

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.118 Waste-Specific Prohibitions - Newly Identified Wastes

- a) All newly identified D004 through D011 wastes and characteristic mineral processing wastes, except those identified in subsection (b) of this Section, are prohibited from underground injection.
- b) Effective May 26, 2000, characteristic hazardous wastes from titanium dioxide mineral processing, and radioactive wastes mixed with newly identified D004 through D011 or mixed with newly identified characteristic mineral processing wastes, are prohibited from underground injection.
- c) The wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 are prohibited from underground injection.
- d) Effective May 12, 1999, the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 that are mixed with radioactive wastes are prohibited from underground injection.
- e) The wastes specified in 35 Ill. Adm. Code 721.132 as having the following USEPA hazardous waste numbers are prohibited from underground injection:
 - K156
 - K157
 - K158
 - K159
 - K160
 - K161
 - P127
 - P128
 - P185
 - P188
 - P189
 - P190
 - P191
 - P192
 - P194
 - P196
 - P197
 - P198
 - P199
 - P201
 - P202
 - P203
 - P204
 - P205

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U271
U277
U278
U279
U280
U364
U365
U366
U367
U372
U373
U375
U376
U377
U378
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U391
U392
U393
U394
U395
U396
U400
U401
U402
U403
U404
U407
U409
U410
U411

f) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 is prohibited from underground injection.

g) On April 8, 1998, the wastes specified in 35 Ill. Adm. Code 721 as having the following USEPA hazardous waste numbers and Mixed TC/Radioactive wastes are prohibited from underground injection:

D018
D019
D020

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D021

D022

D023

D024

D025

D026

D027

D028

D029

D030

D031

D032

D033

D034

D035

D036

D037

D038

D039

D040

D041

D042

D043

- h) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K140, and in 35 Ill. Adm. Code 721.133(f) as USEPA hazardous waste number U408 are prohibited from underground injection. On April 8, 1998, the wastes specified in 35 Ill. Adm. Code 721.133 as having the following USEPA hazardous waste numbers are prohibited from underground injection:

B001

B002

B003

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Hazardous Waste Management System: General

- 2) Code Citation: 35 Ill. Adm. Code 720

- 3) Section Numbers: 720.111
Proposed Action: Amended

- 4) Statutory Authority: 415 ILCS 5/22.4 and 27

- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 17, 1998, proposing amendments in consolidated dockets R98-21/R99-2/R99-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

R98-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.

R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.

R99-7 Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

62 Fed. Reg. 37699
(July 14, 1997)
USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.

62 Fed. Reg. 45568
(August 28, 1997)
USEPA issued a second emergency extension of the alternative treatment standards for carbamate wastes for one year, until August 26, 1998.

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62 Fed. Reg. 64503 (December 5, 1997) USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656 (December 8, 1997) USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503 (April 15, 1998) USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

63 Fed. Reg. 24595 (May 4, 1998) USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963 (May 6, 1998) USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

63 Fed. Reg. 28555 (May 26, 1998) USEPA adopted "Phase IV" land disposal restrictions.

63 Fed. Reg. 33781 (June 19, 1998) USEPA partially adopted the hazardous waste combustion rules.

63 Fed. Reg. 35147 (June 29, 1998) USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has already taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997 in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997 federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions

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that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

63 Fed. Reg. 42580 (August 10, 1998) USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331 (August 31, 1998) Technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 48124 (September 9, 1998) USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394 (September 15, 1997) USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

63 Fed. Reg. 38756 (July 20, 1998) USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

63 Fed. Reg. 44146 (August 18, 1998) USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

62 Fed. Reg. 48394 (September 15, 1997) Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

62 Fed. Reg. 64503 (December 5, 1997) Clarification of when a treatment variance is available.

62 Fed. Reg. 64656 (December 8, 1997) Clarifying and corrective amendments to the Subpart CC rules.

63 Fed. Reg. 18503 (April 15, 1998) Pulp and paper industry sector standards.

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- 63 Fed. Reg. 24595
(May 4, 1998) Organobromine chemicals waste rules.
- 63 Fed. Reg. 24963
(May 6, 1998) Used oil mixtures rules for PCB-contaminated oils.
- 63 Fed. Reg. 28555
(May 26, 1998) "Phase IV" land disposal restrictions.
- 63 Fed. Reg. 33781
(June 19, 1998) Hazardous waste combustion rules.
- 63 Fed. Reg. 35147
(June 29, 1998) Technical amendments to the organobromine waste rules.
- 63 Fed. Reg. 38756
(July 20, 1998) Correction to 40 C.F.R. 136.3(e), table.
- 63 Fed. Reg. 42580
(August 10, 1998) Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.
- 63 Fed. Reg. 44146
(August 18, 1998) Correction to 40 C.F.R. 136.3(e), table.
- 63 Fed. Reg. 46331
(August 31, 1998) Technical amendments to the organobromine waste rules.
- 63 Fed. Reg. 48124
(September 9, 1998) Extension of the Phase IV LDR compliance deadline.

Specifically, the amendments to Part 720 update the incorporation of 40 CFR 136 by reference to reflect the federal actions of September 15, 1997, July 20, 1998, and August 18, 1998.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes. Section 720.111 is the central incorporation of all documents by reference

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for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, 738, and 739. The text of Part 720 involved in this proceeding includes incorporations by reference. Some of the amendments in this proceeding affect the incorporations.

- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R98-21/R99-2/R99-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this

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proceeding.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

- 13) Regulatory Agenda on which this rulemaking was summarized: January and July 1998

The full text of the proposed amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section	Purpose, Scope, and Applicability
720.101	Availability of Information; Confidentiality of Information
720.102	Use of Number and Gender
720.103	

SUBPART B: DEFINITIONS

Section	Definitions
720.110	
720.111	

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section	Rulemaking
720.120	Alternative Equivalent Testing Methods
720.121	Waste Delisting
720.122	Petitions for Regulation as Universal Waste
720.123	Procedures for Solid Waste Determinations
720.130	Solid Waste Determinations
720.131	Boiler Determinations
720.132	Procedures for Determinations
720.133	Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis
720.140	Procedures for case-by-case regulation of hazardous waste Recycling Activities
720.141	

APPENDIX A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in

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R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 6720, 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 22 Ill. Reg. _____, effective _____.

SUBPART B: DEFINITIONS

Section 720.111 References

- a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 731, 733, 738, and 739:

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

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"Catholic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December, 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February, 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December, 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, 412-232-3444:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D93-85, Standard Test Methods for Flash Point by Pensky - Martens Closed Tester, approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

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ASTM D2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D 2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscopes, approved 1992.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Set a flash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM Method G21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995),

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and III (December, 1996) (Document Number 955-001-00000-1). NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP/02/85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-487-4600:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Guideline on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement)), also set forth at 40 CFR 51, Appendix W).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document number PB91-120-006).

"Petitions to Delist Hazardous Wastes--A Guidance Manual, Second Edition", EPA/530-R-93-007, March, 1993. (Document Number PB 93-169 365).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October, 1992, Publication Number EPA-450/R-92-019.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition,

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November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III (December, 1996) (Document Number 955-001-00000-1).

OECD. Organization for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France):

OECD Guideline for Testing of Chemicals, Method 301B: "CO[2] Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

U.S. DOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosive Safety Standards" (DOD 6055.9-STD), as in effect on November 8, 1995.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Talley Record (DD Form 1907), as in effect on November 8, 1995.

Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

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"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October, 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket #F-94-IEHF-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

U.S. GSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20, Appendix B (1997)

40 CFR 51.100(ii) (1997)

40 CFR 51, Appendix W (1997)

40 CFR 52.741, Appendix B (1997)

40 CFR 60 (1997)

40 CFR 61, Subpart V (1997)

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- 40 CFR 63 (1997), as amended at 63 Fed. Reg. 18504 (Apr. 15, 1998)
- 40 CFR 136 (1997), as corrected at 63 Fed. Reg. 38756 (July 20, 1998) and 63 Fed. Reg. 44146 (Aug. 18, 1998) and amended at 62 Fed. Reg. 48394 (Sep. 15, 1997)
- 40 CFR 142 (1997)
- 40 CFR 220 (1997)
- 40 CFR 260.20 (1997)
- 40 CFR 264 (1997)
- 40 CFR 268.Appendix IX (1997)
- 40 CFR 302.4, 302.5 and 302.6 (1997)
- 40 CFR 761 (1997)
- 49 CFR 171 (1997)
- 49 CFR 173 (1997)
- 49 CFR 178 (1997)

c) Federal Statutes

- Section 3004 of the Resource Conservation and Recovery Act (42 USC 8-S-E- 5901 et seq.), as amended through December 31, 1987.
- Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 8-S-E--Sections 321(v), 321(w) and 512(j)), as amended through October 25, 1994.
- Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 8-S-E- 1521(j)(1) (1997).
- d) This Section incorporates no later editions or amendments.
- (Source: Amended at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Identification and Listing of Hazardous Waste
- 2) Code Citation: 35 Ill. Adm. Code 721
- 3) Section Numbers:
- | | |
|----------------|-------------------------|
| 721.102 | <u>Proposed Action:</u> |
| 721.103 | Amended |
| 721.104 | Amended |
| 721.105 | Amended |
| 721.106 | Amended |
| 721.132 | Amended |
| 721.133 | Amended |
| 721.138 | Added |
| 721.Appendix G | Amended |
| 721.Appendix H | Amended |
| 721.Appendix Z | Amended |
- 4) Statutory Authority: 415 ILCS 5/22.4 and 27

- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 17, 1998, proposing amendments in consolidated dockets R98-21/R99-2/R99-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

- R98-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.
- R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.
- R99-7 Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

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62 Fed. Reg. 37699
(July 14, 1997)

USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.

62 Fed. Reg. 45568
(August 28, 1997)

USEPA issued a second emergency extension of the alternative treatment standards for carbamate wastes for one year, until August 26, 1998.

62 Fed. Reg. 64503
(December 5, 1997)

USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656
(December 8, 1997)

USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503
(April 15, 1998)

USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

63 Fed. Reg. 24595
(May 4, 1998)

USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963
(May 6, 1998)

USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

63 Fed. Reg. 28555
(May 26, 1998)

USEPA adopted "Phase IV" land disposal restrictions.

63 Fed. Reg. 33781
(June 19, 1998)

USEPA partially adopted the hazardous waste combustion rules.

63 Fed. Reg. 35147
(June 29, 1998)

USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has already taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt

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with the federal action of July 14, 1997 in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997 federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

63 Fed. Reg. 42580
(August 10, 1998)

USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331
(August 31, 1998)

Technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 48124
(September 9, 1998)

USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394
(September 15, 1997)

USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

62 Fed. Reg. 48394
(September 15, 1997)

Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A. 62 Fed. Reg. 64503 (December 5, 1997)

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Clarification of when a treatment variance is available.

62 Fed. Reg. 64656
(December 8, 1997)
Clarifying and corrective amendments to the Subpart CC rules.

63 Fed. Reg. 18503 (April 15, 1998)
Pulp and paper industry sector standards.

Organobromine chemicals waste rules.

63 Fed. Reg. 24963
(May 6, 1998)
Used oil mixtures rules for PCB-contaminated oils.

"Phase IV" land disposal restrictions.

Hazardous waste combustion rules.

Technical amendments to the organobromine waste rules.

Correction to 40 C.F.R. 136.3(e), table.

63 Fed. Reg. 42580
(August 10, 1998)
Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.

Correction to 40 C.F.R. 136.3(e), table.

63 Fed. Reg. 46331
(August 31, 1998)
Technical amendments to the organobromine waste rules.

63 Fed. Reg. 48124
(September 9, 1998)
Extension of the Phase IV LDR compliance deadline.

Specifically, the amendments to Part 721 include segments of the federal April 15, 1998, pulp and paper industry rules, the May 4, 1998, organobromine waste rules, the May 6, 1998, used oil amendments, the May 26, 1998, Phase IV LDR amendments, and the June 19, 1998, hazardous waste combustion rules.

Section 22.4 of the Environmental Protection Act provides that Section 5

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of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 721 includes a number of documents incorporated by reference, none of those incorporations are amended by the present amendments.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R98-21/R99-2/R99-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected

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by the federal amendments that underlie this proceeding.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

13) Regulatory Agenda on which this rulemaking was summarized: January and July 1998

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	Purpose of Scope	Quantity
721.101	Definition of Solid Waste	
721.102	Definition of Hazardous Waste	
721.103	Exclusions	
721.104	Special Requirements for Hazardous Waste Generated by Small Generators	
721.105	Requirements for Recyclable Materials	
721.106	Residues of Hazardous Waste in Empty Containers	
721.107	PCB Wastes Regulated under TSCA	
721.108	Requirements for Universal Waste	
721.109		

SUBPART B: CRITERIA FOR IDENTIFYING THE
CHARACTERISTICS OF HAZARDOUS WASTE
AND FOR LISTING HAZARDOUS WASTES

Section	Criteria for Identifying the Characteristics of Hazardous Waste	
721.110	Criteria for Listing Hazardous Waste	
721.111		

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	General	
721.120	Characteristic of Ignitability	
721.121	Characteristic of Corrosivity	
721.122	Characteristic of Reactivity	
721.123	Toxicity Characteristic	
721.124		

SUBPART D: LISTS OF HAZARDOUS WASTE

Section	General	
721.130	Hazardous Wastes From Nonspecific Sources	
721.131	Hazardous Waste from Specific Sources	
721.132	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof	
721.133		

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721.135 Wood Preserving Wastes
721.138 Comparable or Syngas Fuel Exclusion

APPENDIX A	Representative Sampling Methods
APPENDIX B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
APPENDIX C	Chemical Analysis Test Methods
TABLE A	Analytical Characteristics of Organic Chemicals (Repealed)
TABLE B	Analytical Characteristics of Inorganic Species (Repealed)
TABLE C	Sample Preparation/Sample Introduction Techniques (Repealed)
APPENDIX G	Basis for Listing Hazardous Wastes
APPENDIX H	Hazardous Constituents
APPENDIX I	Wastes Excluded by Administrative Action
TABLE A	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources
TABLE B	Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Specific Sources
TABLE C	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
TABLE D	Wastes Excluded by the Board by Adjusted Standard
APPENDIX J	Method of Analysis of Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
APPENDIX Z	Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16598, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991;

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amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 22 Ill. Reg. _____, effective _____.

Section 721.102 Definition of Solid Waste

a) Solid waste.

1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.

2) A discarded material is any material that is:

- A) Abandoned, as explained in subsection (b) of this Section;
- B) Recycled, as explained in subsection (c) of this Section;
- C) Considered inherently waste-like, as explained in subsection (d) of this Section; or
- D) A military munition identified as a solid waste in 35 Ill. Adm. Code 726.302.

b) Materials are solid waste if they are abandoned by being:

- 1) Disposed of; or
- 2) Burned or incinerated; or
- 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.

c) Materials are solid wastes if they are recycled -- or accumulated, stored or treated before recycling -- as specified in subsections (c)(1) through (c)(4) of this Section if they are:

- 1) Used in a manner constituting disposal.
 - A) Materials noted with a "yes" in column 1 of the table in Section 721. Appendix 2 are solid wastes when they are:
 - i) Applied to or placed on the land in a manner that constitutes disposal; or
 - ii) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).
- B) However, commercial chemical products listed in Section

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721.133 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

- 2) Burned for energy recovery.
 - A) Materials noted with a "yes" in column 2 of the table in Section 721.133 are solid wastes when they are:
 - i) Burned to recover energy;
 - ii) Used to produce a fuel or are otherwise contained in fuels (in which case the fuel itself remains a solid waste);
 - iii) Contained in fuels (in which case the fuel itself remains a solid waste).
 - B) However, commercial chemical products listed in Section 721.133 are not solid wastes when reclaimed.
- 3) Reclaimed. Materials noted with a "yes" in column 3 of the table in Section 721.133 are solid wastes when reclaimed (except as provided under Section 721.104(a)(15)). Materials noted with a "-" in column 3 of Appendix Z of this Part are not solid wastes when reclaimed (except as provided under Section 721.104(a)(15)).
 - 4) Accumulated speculatively. Materials noted with "yes" in column 4 of the table in Section 721.133 are solid wastes when accumulated speculatively.
 - 5) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:
 - 1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.
 - 2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in Subpart C or D of this Part, except for brominated material that meets the following criteria:
 - A) The material must contain a bromine concentration of at least 45 percent;
 - B) The material must contain less than a total of one percent of toxic organic compounds listed in Section 721.133 Appendix H; and
 - C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
 - 3) The following criteria are used to add wastes to the list:
 - A) Disposal method or toxicity
 - i) The materials are ordinarily disposed of, burned, or incinerated; or
 - ii) The materials contain toxic constituents listed in Section 721.133 Appendix H and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and

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- B) The material may pose a substantial hazard to human health and the environment when recycled.
 - e) Materials that are not solid waste when recycled.
 - 1) Materials are not solid wastes when they can be shown to be recycled by being:
 - A) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
 - B) Used or reused as effective substitutes for commercial products; or
 - C) In cases where the materials are generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at Section 721.104(a)(15) apply rather than this provision. Returned to the original process from which they are generated without first being reclaimed; the materials must be returned as a substitute for feedstock materials; in cases where the original process to which the material is returned is a secondary process, the materials must be managed so there is no placement on the land.
 - 2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process described in subsections (e)(1)(A) through (e)(1)(C) of this Section:
 - A) Materials used in a manner constituting disposal or used to produce products that are applied to the land; or
 - B) Materials burned for energy recovery; used to produce a fuel, or contained in fuels; or
 - C) Materials accumulated speculatively; or
 - D) Materials listed in subsections (d)(1) and (d)(2) this Section.
 - f) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing Subtitle C of RCRA or Section 21 of the Environmental Protection Act that raise a claim that a certain material is not solid waste or that the material is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material and that they meet the terms of the exclusion or exemption. In doing so, the person must provide appropriate documentation (such as contracts showing that a second person used the material as an ingredient in a production process) to demonstrate that the material is not a waste or that the material is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 721.103 Definition of Hazardous Waste

- a) A solid waste, as defined in Section 721.102, is a hazardous waste if:
- 1) It is not excluded from regulation as a hazardous waste under Section 721.104(b); and
 - 2) It meets any of the following criteria:
 - A) It exhibits any of the characteristics of hazardous waste identified in 721 Subpart C of this Part. However, any mixture of a waste from the extraction, beneficiation, and processing of ores and minerals excluded under Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under Subpart C of this Part is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred, or if the mixture continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture. Further, for the purposes of applying the toxicity characteristic to such mixtures, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.
 - ii) Except that any mixture of a waste from the extraction, beneficiation, or processing of ores or minerals excluded under Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under 721 Subpart C is a hazardous waste only if it exhibits a characteristic that would not have been exhibited by the excluded waste alone if such mixture had not occurred, or if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture.
 - iii) Further, for the purposes of applying the toxicity characteristic to such mixtures under subsection (a)(2)(A) if above, the mixture is also a hazardous waste if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred, or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.
 - B) It is listed in 721 Subpart D of this Part and has not been excluded from the lists in 721 Subpart D of this Part under 35 Ill. Adm. Code 720.120 and 720.122.
 - C) It is a mixture of a solid waste and a hazardous waste that

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- is listed in 721 Subpart D of this Part solely because it exhibits one or more of the characteristics of hazardous waste identified in 721 Subpart C of this Part, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C of this Part, or unless the solid waste is excluded from regulation under Section 721.104(b)(7) and the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C of this Part for which the hazardous waste listed in Subpart D of this Part was listed. (However, nonwastewater mixtures are still subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)
- ii) the resultant mixture no longer exhibits any characteristic of hazardous waste identified in 721 Subpart C of this Part.
 - iii) the solid waste is excluded from regulation under Section 721.104(b)(7) and the resultant mixture no longer exhibits any characteristic of hazardous waste identified in 721 Subpart C of this Part for which the hazardous waste listed in 721 Subpart D was listed.
 - ii) Nonwastewater mixtures are still subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.
- D) It is a mixture of solid waste and one or more hazardous wastes listed in 721 Subpart D of this Part and has not been excluded from this subsection (a)(2) under 35 Ill. Adm. Code 720.120 and 720.122; however, the following mixtures of solid wastes and hazardous wastes listed in 721 Subpart D of this Part are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(B) of this Section above) if the generator demonstrates that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities that have eliminated the discharge of wastewater) and:
- i) One or more of the following solvents listed in Section 721.131: carbon tetrachloride, tetrachloroethylene, trichloroethylene, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million;
 - ii) One or more of the following spent solvents listed in Section 721.131: methylene chloride,

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1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million;

iii) One of the following wastes listed in Section 721.132: heat exchanger bundle cleaning sludge from the petroleum refining industry (USEPA hazardous waste no. K050);

iv) A discarded commercial chemical product or chemical intermediate listed in Section 721.133 arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinseate from empty containers or from containers that are rendered empty by that rinsing;

v) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in 721- Subpart D of this Part, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system or provided that the wastes combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation;

vi) One or more of the following wastes listed in Section 721.132: wastewaters from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K157),

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provided that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that cannot be demonstrated to be reacted in the process, destroyed through treatment, or recovered (i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight; or

vii) Wastewaters derived from the treatment of one or more of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K156), provided that the maximum concentration of formaldehyde, methyl chloride, methylene chloride, and triethylamine prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 milligrams per liter.

E) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 721- Subpart D of this Part. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, incorporated by reference at 35 Ill. Adm. Code 720.111, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in Appendix H of this Part).

i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins if they are processed through a tolling arrangement as described in 35 Ill. Adm. Code 739.124(c) to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

b) A solid waste that is not excluded from regulation under subsection (a)(1) of this Section above becomes a hazardous waste when any of the

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following events occur:

- 1) In the case of a waste listed in 721- Subpart D of this Part, when the waste first meets the listing description set forth in 721- Subpart D of this Part.
- 2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in 721- Subpart D of this Part is first added to the solid waste.
- 3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in 721- Subpart C of this Part.

- c) Unless and until it meets the criteria of subsection (d) of this Section below, a hazardous waste will remain a hazardous waste.

BOARD NOTE: This subsection corresponds with 40 CFR 261.3(c)(1). The Board has codified 40 CFR 261.3(c)(2) at subsection (e) of this Section below.

- d) Any solid waste described in subsection (c) of this Section above is not a hazardous waste if it meets the following criteria:

- 1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in 721- Subpart C of this Part. (However, wastes that exhibit a characteristic at the point of generation may still be subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.)
- 2) In the case of a waste that is a listed waste under 721- Subpart D of this Part, a waste that contains a waste listed under 721- Subpart D of this Part, or a waste that is derived from a waste listed in 721- Subpart D of this Part, it also has been excluded from subsection (c) of this Section above under 35 Ill. Adm. Code 720.120 and 720.122.

- e) Specific inclusions and exclusions.

- 1) Except as otherwise provided in subsection (e)(2) of this Section below, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)
- 2) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste unless they exhibit one or more of the characteristic of hazardous waste:
 - A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).
 - B) Wastes from burning any of the materials exempted from

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regulation by any of Section 721.106(a)(3)(D) through (a)(3)(F).

- C) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HTMR) processing of K061, K062, or F006 waste in the units identified in this subsection that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified in the tables in this subsection for all constituents and the residues exhibit no characteristics of hazardous waste. The types of units identified are rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations, or the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces, smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces), and other furnaces designated by the Agency pursuant to that definition.

- i) Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and when the process or operation generating the waste changes.

- ii) Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements. The generic exclusion levels are:

Constituent	Maximum for any single composite sample (mg/L)
Generic exclusion levels for K061 and K062 nonwastewater HTMR residues.	
Antimony.....	0.10
Arsenic.....	0.50
Barium.....	7.6
Beryllium.....	0.010
Cadmium.....	0.050
Chromium (total).....	0.33
Lead.....	0.15
Mercury.....	0.009
Nickel.....	1.0
Selenium.....	0.16
Silver.....	0.30

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Thallium.....	0.020
Vanadium.....	1.26
Zinc.....	70

Generic exclusion levels for F006 nonwastewater
HTMR residues

Antimony.....	0.10
Arsenic.....	0.50
Barium.....	7.6
Beryllium.....	0.010
Cadmium.....	0.050
Chromium (total).....	0.33
Cyanide (total) (mg/kg).....	1.8
Lead.....	0.15
Mercury.....	0.009
Nickel.....	1.0
Selenium.....	0.16
Silver.....	0.30
Thallium.....	0.020
Zinc.....	70

iii) A one-time notification and certification must be placed in the facility's files and sent to the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of USEPA or the state agency authorized to implement 40 CFR 268 requirements) for K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics and which are sent to RCRA Subtitle D (municipal solid waste landfill) units. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year, but no later than December 31. The notification must include the following information: the name and address of the nonhazardous waste management unit receiving the waste shipment; the USEPA hazardous waste number and treatability group at the initial point of generation; and the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows:

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"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

BOARD NOTE: This subsection would normally correspond with 40 CFR 261.3(e), a subsection which has been deleted and marked "reserved" by USEPA. Rather, this subsection corresponds with 40 CFR 261.3(c)(2), which the Board codified here to comport with codification requirements and enhance clarity.

D) Biological treatment sludge from the treatment of one of the following wastes listed in Section 721.132: organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K156) and wastewaters from the production of carbamates and carbamoyl oximes (USEPA Hazardous Waste No. K157).

f) Notwithstanding subsections (a) through (e) of this Section above and provided the debris, as defined in 35 Ill. Adm. Code 728.102, does not exhibit a characteristic identified at 721- Subpart C of this Part, the following materials are not subject to regulation under 35 Ill. Adm. Code 720, 721 to 726, 728, or 730:

- 1) Hazardous debris as defined in 35 Ill. Adm. Code 728.102 that has been treated using one of the required extraction or destruction technologies specified in 35 Ill. Adm. Code 728-Table F; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or
- 2) Debris as defined in 35 Ill. Adm. Code 728.102 that the Agency, considering the extent of contamination, has determined is no longer contaminated with hazardous waste.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 721.104 Exclusions

a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:
 - A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for

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treatment.

- 2) Industrial wastewater discharges that are point source discharges with National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.

BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.

- 3) Irrigation return flows.
- 4) Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).
- 5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.
- 6) Pulp liquor (i.e., black liquors) that are reclaimed in a pulp liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively, as defined in Section 721.101(c).

- 7) Spent sulfuric acid used to produce virgin sulfuric acid unless it is accumulated speculatively, as defined in Section 721.101(c).

- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:

- A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
- B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
- C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
- D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.

- 9) Wood preserving wastes.

- A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose; and

- B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood; and
- C) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in subsection (a)(9)(A) and (a)(9)(B) of this Section, so long as they meet all of the following conditions:

- i) The wood preserving wastewaters and spent wood

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preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose;

- ii) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;

- iii) Any unit used to manage wastewaters or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;

- iv) Any drip pad used to manage the wastewaters or spent wood preserving solutions prior to reuse complies with the standards in 35 Ill. Adm. Code 725.Subpart W, regardless of whether the plan generates a total of less than 100 kg/month of hazardous waste; and

- v) Prior to operating pursuant to this exclusion, the plant owner or operator submits a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency for reinstatement. The Agency shall reinstate the exclusion in writing if it finds that the plant has returned to compliance with all conditions and that violations are not likely to recur. If the Agency denies an application, it shall transmit to the applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a)(9)(C)(v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act (415 ILCS 5/40).

- 10) Hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal

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tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.

11) Nonwastewater splash condenser dross residue from the treatment of hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

12) Recovered oil from petroleum refining, exploration, and production and from transportation incident thereto that is to be inserted into the petroleum refining process (SIC Code 2911) at or before a point (other than direct insertion into a coker) where contaminants are removed. This exclusion applies to recovered oil stored or transported prior to insertion, except that the oil must not be stored in a manner involving placement on the land and the oil must not be accumulated speculatively before being recycled. Recovered oil is oil that has been reclaimed from secondary materials (such as wastewater) generated from normal petroleum refining, exploration, and production, and is recovered from refinery wastewater collection and treatment systems, oil recovered from oil and gas drilling operations, and oil recovered from wastes removed from crude oil storage tanks. Recovered oil does not include (among other things) oil-bearing hazardous waste listed in Subpart D of this part (e.g., K048 through K052, F037, and F038). However, oil recovered from such wastes may be considered recovered oil. Recovered oil also does not include used oil as defined in 35 Ill. Adm. Code 739.100.

13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

14) Shredded circuit boards being recycled, provided that they meet the following conditions:

A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and

B) The circuit boards are free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.

15) Condensates derived from the overhead gases from kraft mill steam strippers that are used to comply with federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustion at the mill generating the condensates.

16) Secondary materials (i.e., sludges, by-products, and spent materials as defined in Section 721.101) (other than hazardous wastes listed in Subpart D of this part) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing, provided that:

A) The secondary material is legitimately recycled to recover

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minerals, acids, cyanide, water, or other values;

B) The secondary material is not accumulated speculatively;

C) Except as provided in subsection (a)(16)(D) of this Section, the secondary material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the secondary material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35 Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate which may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed and operated to prevent significant releases to the environment of these materials.

D) The Agency shall allow by permit that solid mineral processing secondary materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the following: the solid mineral processing secondary materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the secondary material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for exclusion.

i) The Agency shall also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the secondary material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway; and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

ii) Pads must meet the following minimum standards: they

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must be designed of non-earthen material that is compatible with the chemical nature of the mineral processing secondary material; they must be capable of withstanding physical stresses associated with placement and removal; they must have run on/runoff controls; they must be operated in a manner which controls fugitive dust; and they must have integrity assurance through inspections and maintenance programs.

- iii) Before making a determination under this subsection (a)(16)(D), the Agency shall provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

BOARD NOTE: See 35 Ill. Adm. Code 703.Subpart D for the RCRA Subtitle C permit public notice requirements. The owner or operator provides a notice to the Agency, identifying the following information: the types of materials to be recycled, the type and location of the storage units and recycling processes, and the annual quantities expected to be placed in land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

- E) For purposes of subsection (b)(7) of this Section, mineral processing secondary materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

- 17) Comparable fuels or comparable syngas fuels (i.e., comparable or syngas fuels) that meet the requirements of Section 721.138.

- b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:

- 1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:

- A) Receives and burns only:

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- i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and
 ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
 B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in City of Chicago v. Environmental Defense Fund, Inc., 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6962-e-6921(i)) do not exclude the ash from facilities covered by this subsection from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C of this Part until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

- 2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:

- A) The growing and harvesting of agricultural crops, or
 B) The raising of animals, including animal manures.

- 3) Mining overburden returned to the mine site.

- 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

- 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.

- 6) Chromium wastes:

- A) Wastes that fail the test for the toxicity characteristic (Sections 721.124 and Section 721.Appendix B) because chromium is present or which are listed in Subpart D of this Part due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;

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- ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
- iii) The waste is typically and frequently managed in non-oxidizing environments.

B) Specific wastes that meet the standard in subsection (b)(6)(A) of this Section (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) are:

- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
 - ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
 - iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
 - iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
 - v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
 - vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;
 - vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and
 - viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.
- 7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden

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from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

A) For purposes of this subsection (b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing¹⁷ grinding¹⁷ washing¹⁷ dissolution¹⁷ crystallization¹⁷ filtration¹⁷ sorting¹⁷ sizing¹⁷ drying¹⁷ sintering¹⁷ pelletizing¹⁷ briquetting¹⁷ calcining to remove water or carbon dioxide¹⁷ roasting¹⁷ autoclaving or chlorination in preparation for leaching (except where the roasting [or autoclaving or chlorination] and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing)¹⁷ gravity concentration¹⁷ magnetic separation¹⁷ electrostatic separation¹⁷ floatation¹⁷ ion exchange¹⁷ solvent extraction¹⁷ electrowinning¹⁷ precipitation¹⁷ amalgamation¹⁷ and heap, dump, vat tank, and in situ leaching.

B) For the purposes of this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:

- i) ¹⁷ Slag from primary copper processing¹⁷
- ii) ¹⁷ Slag from primary lead processing¹⁷
- iii) ¹⁷ Red and brown muds from bauxite refining¹⁷
- iv) ¹⁷ Phosphogypsum from phosphoric acid production¹⁷
- v) ¹⁷ Slag from elemental phosphorus production¹⁷
- vi) ¹⁷ Gasifier ash from coal gasification¹⁷
- vii) ¹⁷ Process wastewater from coal gasification¹⁷
- viii) ¹⁷ Calcium sulfate wastewater treatment plant sludge from primary copper processing¹⁷
- ix) ¹⁷ Slag tailings from primary copper processing¹⁷
- x) ¹⁷ Fluorogypsum from hydrofluoric acid production¹⁷
- xi) ¹⁷ Process wastewater from hydrofluoric acid production¹⁷
- xii) ¹⁷ Air pollution control dust or sludge from iron blast furnaces¹⁷
- xiii) ¹⁷ Iron blast furnace slag¹⁷
- xiv) ¹⁷ Treated residue from roasting and leaching of chrome ore¹⁷
- xv) ¹⁷ Process wastewater from primary magnesium processing by the anhydrous process¹⁷
- xvi) ¹⁷ Process wastewater from phosphoric acid production¹⁷
- xvii) ¹⁷ Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production¹⁷
- xviii) ¹⁷ Basic oxygen furnace and open hearth furnace slag from carbon steel production¹⁷
- xix) ¹⁷ Chloride processing waste solids from titanium tetrachloride production¹⁷ and

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- xx) Slag from primary zinc production smelting.
- C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials remains excluded under this subsection (b) if the following conditions are fulfilled:
- The owner or operator processes at least 50 percent by weight normal beneficiation raw materials; and
 - The owner or operator legitimately reclaims the secondary mineral processing materials.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- 11) This subsection corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.
- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that uses chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- 13) Non-terne plated used oil filters that are not mixed with wastes listed in Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:
- Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
 - Hot-draining and crushing;
 - Dismantling and hot-draining; or
 - Any other equivalent hot-draining method that will remove used oil.
- 14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.
- c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705, and 722 through 725, and 728 or to the notification requirements of section 3010 of RCRA

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- until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.
- d) Samples.
- Except as provided in subsection (d)(2) of this Section, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:
 - The sample is being transported to a laboratory for the purpose of testing;
 - The sample is being transported back to the sample collector after testing;
 - The sample is being stored by the sample collector before transport to a laboratory for testing;
 - The sample is being stored in a laboratory before testing;
 - The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
 - The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).
 - In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B) of this Section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:
 - Comply with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
 - Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample:
 - Assure that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.
 - Package the sample so that it does not leak, spill, or vaporize from its packaging.
 - This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) of this Section.
 - Treatability study samples.

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- 1) Except as is provided in subsection (e)(2) of this Section, a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:
 - A) The sample is being collected and prepared for transportation by the generator or sample collector;
 - B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
 - C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.
- 2) The exemption in subsection (e)(1) of this Section is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:
 - A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated wastestream;
 - B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste;
 - C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (e)(2)(C)(ii) of this Section are met.
 - i) The transportation of each sample shipment complies with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
 - ii) If the USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;
 - D) The sample is shipped to a laboratory or testing facility

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- that is exempt under subsection (f) of this Section, or has an appropriate RCRA permit or interim status;
- E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:
 - i) Copies of the shipping documents;
 - ii) A copy of the contract with the facility conducting the treatability study;
 - iii) Documentation showing: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and
 - F) The generator reports the information required in subsection (e)(2)(E)(iii) of this Section in its report under 35 Ill. Adm. Code 722.141.
- 3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4) of this Section, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste:
 - A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.
 - B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.
 - C) The additional quantities allowed and timeframes allowed in

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subsections (e)(3)(A) and (e)(3)(B) of this Section are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) of this Section. The generator or sample collector shall apply to the Agency and provide in writing the following information:

- i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;
- ii) Documentation accounting for all samples of hazardous waste from the wastestream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
- iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;
- iv) If such further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and
- v) Such other information as the Agency determines is necessary.

- 4) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.

f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) of this Section are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) of this Section. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) of this Section apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to

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conduct treatability studies under this subsection (f).
 2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.

3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.

5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

7) The facility maintains records three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

- A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;
- B) The date the shipment was received;
- C) The quantity of waste accepted;
- D) The quantity of "as received" waste in storage each day;
- E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
- F) The date the treatability study was concluded;
- G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.

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- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:
 - A) The name, address, and USEPA identification number of the facility conducting the treatability studies;
 - B) The types (by process) of treatability studies conducted;
 - C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
 - D) The total quantity of waste in storage each day;
 - E) The quantity and types of waste subjected to treatability studies;
 - F) When each treatability study was conducted; and
 - G) The final disposition of residues and unused sample from each treatability study.
- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e) of this Section.
- 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators

- a) A generator is a conditionally exempt small quantity generator in a calendar month if it generates no more than 100 kilograms of hazardous waste in that month. 35 Ill. Adm. Code 700 explains the relation of this to the 100 kg/mo exception of 35 Ill. Adm. Code 809.
- b) Except for those wastes identified in subsections (e), (f), (g) and (j) of this Section, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of section 3010 of Resource Conservation and Recovery Act, provided the generator complies with the requirements of

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- c) When making the quantity determinations of this Part and 35 Ill. Adm. Code 722, the generator must include all hazardous waste that it generates, except the following hazardous waste:
 - 1) Hazardous waste that is except from regulation under Section 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;
 - 2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;
 - 3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under Section 721.106(c)(2);
 - 4) Hazardous waste that is used oil managed under the requirements of Section 721.106(a)(4) and 35 Ill. Adm. Code 739;
 - 5) Hazardous waste that is spent lead-acid batteries managed under the requirements of 35 Ill. Adm. Code 726.Subpart G; and
 - 6) Hazardous waste that is universal waste managed under Section 721.109 and 35 Ill. Adm. Code 733.
- d) In determining the quantity of hazardous waste it generates, a generator need not include:
 - 1) Hazardous waste when it is removed from on-site storage; or
 - 2) Hazardous waste produced by on-site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once; or
 - 3) Spent materials that are generated, reclaimed and subsequently reused on-site, so long as such spent materials have been counted once.
- e) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of section 3010 of the Resource Conservation and Recovery Act:
 - 1) A total of one kilogram of one or more of the acute hazardous wastes listed in Section 721.131, 721.132, or 721.133(e); or
 - 2) A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the clean-up of a spill, into or on any land or water, of any one or more of the acute hazardous wastes listed in Section 721.131, 721.132, or 721.133(e).

BOARD NOTE: "Full regulation" means those regulations applicable to generators of greater than 1000 kg of non-acute hazardous waste in a calendar month.

- f) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subsection (e)(1) or (e)(2) of this Section to be excluded from full regulation under this Section, the generator must comply with the

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following requirements:

- 1) 35 Ill. Adm. Code 722.111.
- 2) The generator may accumulate acute hazardous waste on-site. If quantities greater than set forth in subsection (e)(1) or (e)(2) of this Section, all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the applicable notification requirements of section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(a), for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit.
- 3) A conditionally exempt small quantity generator may either treat or dispose of its acute hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, any of which, if located in the United States, meets any of the following conditions:
 - A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;
 - B) The facility has interim status under 35 Ill. Adm. Code 702, 703 and 725;
 - C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA pursuant to 40 CFR 271;
 - D) The facility is permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or 40 CFR 258;
 - E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to the requirements of 40 CFR 257.5 through 257.30;

BOARD NOTE: The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (f)(3)(D) and (f)(3)(E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally-exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.

- F) The facility is one that:
 - i) Beneficially uses or reuses or legitimately recycles or reclaims its waste; or
 - ii) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or

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- G) For universal waste managed under 35 Ill. Adm. Code 733 or 40 CFR 273, the facility is a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733 or 40 CFR 273.

g) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:

- 1) 35 Ill. Adm. Code 722.111;
- 2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation under the special provisions of 35 Ill. Adm. Code 722 applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month as well as the requirements of 35 Ill. Adm. Code 702, 703, 705 and 723 through 726 and 728, and the applicable notification requirements of section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed 1000 kilograms;
- 3) A conditionally exempt small quantity generator may either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, any of which, if located in the United States, meets any of the following conditions:
 - A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;
 - B) The facility has interim status under 35 Ill. Adm. Code 702, 703 and 725;
 - C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA under 40 CFR 271 (1986);
 - D) The facility is permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or 40 CFR 258;
 - E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to the requirements of 40 CFR 257.5 through 257.30;

BOARD NOTE: The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (f)(3)(D) and (f)(3)(E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally-exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.

- F) The facility is one that:
 - i) Beneficially uses or reuses or legitimately recycles or reclaims its waste; or
 - ii) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or

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(g)(3)(D) and (g)(3)(E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally-exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.

F) The facility is one that:

- i) Beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or
 - ii) Treats its waste prior to beneficial use or re-use, or legitimate recycling or reclamation; or
- G) For universal waste managed under 35 Ill. Adm. Code 733 or 40 CFR 273, the facility is a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733 or 40 CFR 273.

h) Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C.

i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.

j) If a conditionally exempt small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739--if-it-is-destined-to-be-burned-for-energy-recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if-it-is-destined-to-be-burned-for-energy-recovery.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 721.106 Requirements for Recyclable Materials

a) Recyclable materials:

1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (b) and (c) of this Section, except for the materials listed in subsections (a)(2) and (a)(3) of this Section. Hazardous wastes that are recycled will be known as "recyclable materials".

2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through H and all applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.

A) Recyclable materials used in a manner constituting disposal

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(35 Ill. Adm. Code 726.Subpart C);

B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O (35 Ill. Adm. Code 726.Subpart H);

C) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);

D) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).

3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, 703, or 705 and are not subject to the notification requirements of section 301.0 of the Resource Conservation and Recovery Act:

A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158:

i) A person initiating a shipment for reclamation in a foreign country and any intermediary arranging for the shipment shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157; shall export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgment of Consent, as defined in 35 Ill. Adm. Code 722.Subpart E; and shall provide a copy of the USEPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;

ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows that the shipment does not conform to the USEPA Acknowledgment of Consent, shall ensure that a copy of the USEPA Acknowledgment of Consent accompanies the shipment, and shall ensure that it is delivered to the facility designated by the person initiating the shipment;

B) Scrap metal that is not excluded under Section 721.104(a)(13);

C) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste where such recovered oil is already excluded under Section 721.104(a)(12));

D) Petroleum refining wastes.

i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices or produced from oil

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reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil, so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 739.111 726-140(e) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 739.111 726-140(e); and

iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 739.111 726-140(e); and

E) Petroleum coke produced from petroleum refinery hazardous wastes containing oil by the same person that generated the wastes unless the resulting coke product exceeds one or more of the characteristics of hazardous waste in 721- Subpart C of this Part.

4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 35 Ill. Adm. Code 720 through 728, but it is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil that is reused for any purpose following its original use (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

5) Hazardous waste that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in Section 722.159(a)(1), for the purpose of recovery is subject to the requirements of 35 Ill. Adm. Code 722-Subpart H if it is subject to either the hazardous waste manifesting requirements of 35 Ill. Adm. Code 722 or the universal waste management standards of 35 Ill. Adm. Code 733.

b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) of this Section.

c) Storage and recycling:

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1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705; 724-Subparts A through L, AA, BB, and CC; and 725-Subparts A through L, AA, BB, and CC; 726; 728; and the notification requirement under section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) of this Section. (The recycling process itself is exempt from regulation, except as provided in subsection (d) of this Section.)

2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a) of this Section:

A) Notification requirements under section 3010 of the Resource Conservation and Recovery Act,

B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies), and

C) Subsection (d) of this Section.

d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units that recycle hazardous wastes are subject to 35 Ill. Adm. Code 724-Subparts AA and BB and 725-Subparts AA and BB.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Section 721-Appendix I.

USEPA EPA
Hazardous
Waste No.

Industry and Hazardous Waste

Hazard Code

Wood Preservation:

K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol. (T)

Inorganic Pigments:

K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments. (T)

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USEPA RPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K003	Wastewater treatment sludge from the production of molybdate orange pigments.	(T)
K004	Wastewater treatment sludge from the production of zinc yellow pigments.	(T)
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
Organic Chemicals:		
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)

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USEPA RPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)
K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)

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USEPA EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K140	Floor sweepings, off-specification product and spent filter media from the production of 2,4,6-tribromophenol.	(T)
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the	(T)

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USEPA EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
R158	manufacture of 3-iodo-2-propynyl n-butylcarbamate.) Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
R159	Organics from the treatment of thiocarbamate wastes.	(T)
R161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.)	(R,T)
Inorganic Chemicals:		
R071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
R073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
R106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
Pesticides:		
R031	By-product salts generated in the production of MSNA and cacodylic acid.	(T)
R032	Wastewater treatment sludge from the production of chlordane.	(T)
R033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
R034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
R097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
R035	Wastewater treatment sludges generated in the production of creosote.	(T)
R036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
R037	Wastewater treatment sludges from the production of disulfoton.	(T)

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USEPA BPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code	USEPA BPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K038	Wastewater from the washing and stripping of phorate production.	(T)	K047	Pink/red water from TNT operations.	(R)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)		Petroleum Refining:	
K040	Wastewater treatment sludge from the production of phorate.	(T)	K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)
K041	Wastewater treatment sludge from the production of toxaphene.	(T)	K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)	K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)	K051	API separator sludge from the petroleum refining industry.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)	K052	Tank bottoms (lead) from the petroleum refining industry.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)		Iron and Steel:	
K123	Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)	K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C,T)	K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C,T)
K125	Filtration, evaporation and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)		Primary Copper:	
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)	K064	Acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)		Primary Lead:	
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)	K065	Surface impoundments solids contained in and dredged from surface impoundments at primary lead smelting facilities.	(T)
	Explosives:			Primary Zinc:	
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)	K066	Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production.	(T)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)			
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)			

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USEPA BPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
	BOARD NOTE: This waste listing is the subject of a judicial remand in American Mining Congress v. EPA, 907 F.2d 1179 (D.D.C. 1990). The Board intends that this listing not become enforceable in Illinois until the first date upon which the Board RCRA program becomes "not equivalent to the Federal program", within the meaning of section 3006(b) of the RCRA Act, 42 USC 6962(b), the Board RCRA rules become "less stringent" than the USEPA rules, as this phrase is used in section 3009, 42 USC 6969-6979, or the Board RCRA rules are not "identical in substance" with the federal rules as that term is intended by 415 ILCS 5/7.2 and 22.4 as a result of some action by USEPA with regard to this listing in response to the American Mining Congress remand.	
	Primary Aluminum:	
K088	Spent potliners from primary aluminum reduction.	(T)
	Ferroalloys:	
K090	Emission control dust or sludge from ferrochromiumsilicon production.	(T)
K091	Emission control dust or sludge from ferrochromium production.	(T)
	Secondary Lead:	
K069	Emission control dust/sludge from secondary lead smelting.	(T)
	BOARD NOTE: This listing is administratively stayed for sludge generated from secondary acid scrubber systems. The stay will remain in effect until this note is removed.	
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)
	Veterinary Pharmaceuticals:	
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)

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USEPA BPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K102	Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
	Ink Formulation:	
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, dryers, soaps and stabilizers containing chromium and lead.	(T)
	Coking:	
K060	Ammonia still lime sludge from coking operations.	(T)
K087	Decanter tank tar sludge from coking operations.	(T)
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).	(T)
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	(T)
K143	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	(T)
K144	Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.	(T)
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	(T)
K147	Tar storage tank residues from coal tar refining.	(T)

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USEPA EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K148	Residues from coal tar distillation, including but not limited to, still bottoms.	(T)
K149	Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.)	(T)
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Containers Residues, and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded as described in Section 721.102(a)(2)(A), when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

- Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section.
- Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.
- Any residue remaining in a container or inner liner removed from a

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container that has held any commercial chemical product or manufacturing commercial intermediate having the generic name listed in subsection (e) or (f) of this Section, unless the container is empty as defined in Section 721.107(b)(3).

BOARD NOTE: Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed, or being accumulated, stored, transported, or treated prior to such use, reuse, recycling, or reclamation, the Board considers the residue to be intended for discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

- Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section, or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water, of any off-specification chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in..." refers to a chemical substance that is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f) of this Section. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f) of this Section, such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C.

- The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products (a) manufacturing chemical intermediates referred to in subsections (a) through (d) of this Section, are identified as acute hazardous waste (H) and are subject to the small quantity exclusion defined in Section 721.105(e). These wastes and their corresponding USEPA Hazardous Waste Numbers are:

BOARD NOTE: For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound only is listed for acute toxicity.

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P202	107-20-0	Acetaldehyde, chloro-
P203	591-08-2	Acetamide, N-(aminothioxomethyl)
P057	640-19-7	Acetamide, 2-fluoro-
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H ₃ AsO ₄ [4]
P012	1327-53-3	Arsenic oxide As ₂ O ₃ [3]
P011	1303-28-2	Arsenic oxide As ₂ O ₅ [5]
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsinous dichloride, phenyl-
P054	151-56-4	Aziridine
P067	75-55-8	Aziridine, 2-methyl
P013	542-62-1	Barium cyanide
P024	106-47-8	Benzenamine, 4-chloro-
P077	100-01-6	Benzenamine, 4-nitro-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P046	122-09-8	Benzenethanamine, alpha, alpha-dimethyl-
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P028	100-44-7	phenylbutyl)-, and salts, when present at concentrations greater than 0.3percent
P015	7440-41-7	Benzyl chloride
P017	598-31-2	Beryllium powder
P018	357-57-3	Bromoacetone
P045	39196-18-6	Brucine
P021	592-01-8	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[methylamino]carbonyl] oxime
P021	592-01-8	Calcium cyanide
P189	55285-14-8	Calcium cyanide Ca(CN) ₂ [2] Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethyl-amino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(O-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P020	64-00-6	m-Cumenyl methylcarbamate
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine

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USEPA Hazardous Waste No.	Chemical Abstracts No. [CAS No.]	Substance
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DPP)
P191	644-64-4	Dimetilan
P004	309-00-2	1,4,5,8-Di-methanonaphthalene, 1,2,3,4,10,10-
		hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4abeta, 5alpha, 8alpha, 8abeta)-
P060	465-73-6	1,4,5,8-Di-methanonaphthalene, 1,2,3,4,10,10-
		hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4abeta, 5beta, 8beta, 8abeta)-
P037	60-57-1	2,7:3,6-Dimethanonaphth[2,3-b]oxirane, 3,4,5,6,9-
		hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2aalpha, 3beta, 6beta, 6aalpha, 7beta, 7aalpha)-
P051	72-20-8*	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9-
		hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2aalpha, 3beta, 6a, 7, 7a-octahydro-, (1aalpha, 2beta, 2aalpha, 3alpha, 6alpha, 6abeta, 7beta, 7aalpha)-, and metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	alpha, alpha-Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol and salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramide, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithioburet
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)-carbonyl]-oxime
P050	115-29-7	Endosulfan
P088	145-73-3	Endothall
P051	72-20-8	Endrin

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USEPA Hazardous Waste No.	Chemical Abstracts No. [CAS No.]	Substance
P051	72-20-8	Endrin, and metabolites
P042	51-43-4	Epinephrine
P031	460-19-5	Ethanedinitrile
P194	23135-22-0	Ethanimidothioc acid, 2-(dimethylamino)-
		N-[(methylamino)carbonyloxy]-2-oxo-, methyl ester
P066	16752-77-5	Ethanimidothioic acid, N- [(methylamino)carbonyloxy]-, methyl ester
P101	107-12-0	Ethyl cyanide
P054	151-56-4	Ethyleneimine
P097	52-85-7	Ramphur
P056	7782-41-4	Fluorine
P057	640-19-7	Fluoroacetamide
P058	62-74-8	Fluoroacetic acid, sodium salt
P198	23422-53-9	Formetanate hydrochloride
P197	17702-57-7	Formparanate
P065	628-86-4	Fulminic acid, mercury (2+) salt (R,T)
P059	76-44-8	Heptachlor
P062	757-58-4	Hexaethyl tetraphosphate
P116	79-19-6	Hydrazinecarbothioamide
P068	60-34-4	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P063	74-90-8	Hydrogen cyanide
P096	7803-51-2	Hydrogen phosphide
P060	465-73-6	Isodrin
P192	119-38-0	Isolan
P202	64-00-6	3-Isopropylphenyl-N-methylcarbamate
P007	2763-96-4	3(2H)-Isoxazolone, 5-(aminomethyl)-
P196	15339-36-3	Manganese, bis(dimethylcarbamo-dithioato-S,S')-
P196	15339-36-3	Manganese dimethyldithiocarbamate
P092	62-38-4	Mercury, (acetato-0)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybischloro-
P112	509-14-8	Methane, tetranitro- (R)
P118	75-70-7	Methanethiol, trichloro-
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3- [(methylamino)-carbonyloxy]phenyl]-,

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USEPA Hazardous Waste No.	Chemical Abstracts No. [CAS No.]	Substance
P197	17702-57-7	monohydrochloride Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino)carbonyl]oxy]phenyl]- Methiocarb
P199	2032-65-7	6,9-Methano-2,4,3-benzodioxathiepen,
P050	115-29-7	6,7,8,9,10,10- hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8- heptachloro- 3a,4,7,7a- tetrahydro-
P066	16752-77-5	Methomyl
P068	60-34-4	Methyl hydrazine
P064	624-83-9	Methyl isocyanate
P069	75-86-5	2-Methylacetonitrile
P071	298-00-0	Methyl parathion
P190	1129-41-5	Metolcarb
P129	315-8-4	Mexacarbate
P072	86-88-4	alpha-Naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl NiCO[4], (T-4),-
P074	557-19-7	Nickel cyanide
P075	54-11-5*	Nickel cyanide Ni(CN)[2]
P076	10102-43-9	Nicotine, and salts
P077	100-01-6	Nitric oxide
P078	10102-44-0	p-Nitroaniline
P076	10102-43-9	Nitrogen dioxide
P078	10102-44-0	Nitrogen oxide NO
P081	55-63-0	Nitrogen oxide NO[2]
P082	62-75-9	Nitroglycerine (R)
P084	4549-40-0	N-Nitrosodimethylamine
P085	152-16-9	N-Nitrosomethylvinylamine
P087	20816-12-0	Octamethylpyrophosphoramide
P087	20816-12-0	Osmium oxide OsO[4], (T-4)-
P088	145-73-3	Osmium tetroxide
P194	23135-22-0	7-Oxabicyclo[2.2.1]heptane- 2,3-dicarboxylic acid
P089	56-38-2	Oxamyl
P034	131-89-5	Parathion
P128	315-18-4	Phenol, 2-cyclohexyl-4,6-dinitro- Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)

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NOTICE OF PROPOSED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. [CAS No.]	Substance
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio))-, methylcarbamate
P048	51-28-5	Phenol, 2,4-dinitro-
P047	534-52-1*	Phenol, 2-methyl-4,6- dinitro-, and salts
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate
P020	88-85-7	Phenol, 2-(1- methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, salt (R)
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl
P039	298-04-4	4-nitrophenyl ester Phosphorodithioic acid, O,O-diethyl
P094	298-02-2	S- [2-(ethylthio)ethyl] ester Phosphorodithioic acid, O,O-diethyl
P044	60-51-5	S- [(ethylthio)methyl] ester Phosphorodithioic acid, O,O-diethyl
P043	55-91-4	S-[2- (methylamino)-2-oxoethyl]ester Phosphorofluoridic acid, bis(1- methylthyl)ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl
P040	297-97-2	O-(4-nitrophenyl) ester Phosphorothioic acid, O,O-diethyl
P097	52-85-7	O-Pyrazinyl ester Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-diethyl ester
P071	298-00-0	Phosphorothioic acid, O,O-diethyl
P204	57-47-6	O-(4-nitrophenyl) ester Physostigmine
P188	57-64-7	Physostigmine salicylate
P110	78-00-2	Plumbane, tetraethyl-

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide KCN
P099	506-61-6	Potassium silver cyanide
P201	2631-37-0	Promecarb
P203	1646-88-4	Propanal,
		2-methyl-2-(methyl-sulfonyl)-,
P070	116-06-3	O-[(methylamino)carbonyl] oxime
		Propanal, 2-methyl-2-(methylthio)-,
		O-[(methylamino) carbonyl]oxime
P101	107-12-0	Propanenitrile
P207	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-
P081	55-63-0	1,2,3-Propanetriol, trinitrate- (R)
P017	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	54-11-5*	Pyridine, 3-(1-methyl-2- pyrrolidinyl)-, (S)-and salts
P204	57-47-6	Pyrolo[2,3-b]indol-5-ol, 1,2,3,3a,8,8a- hexahydro-1,3a,8-trimethyl-, methyl- carbamate (ester), (3aS-cis)-
P114	12039-52-0	Selenious acid, dithallium (1+) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide AgCN
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide NaCN
P108	57-24-9*	Strychnidin-10-one, and salts
P108	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	57-24-9*	Strychnine and salts
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt
P109	3689-24-5	Tetraethyldithiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethylpyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl ₂ O[3]

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
P114	12039-52-0	Thallium (I) selenite
P115	7446-18-6	Thallium (I) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidoicarbonic diamide [(H ₂) N(C(S)) [2]NH
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P123	8001-35-2	Toxaphene
P185	26419-73-8	Tirpate
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V ₂ O ₅ [5]
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3percent
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN) ₂ [2]
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato- S,S')-
P122	1314-84-7	Zinc phosphide Zn ₃ P ₂ [2], when present at concentrations greater than 10 percent (R,T)
P205	137-30-4	Ziram

Board Note: An asterisk (*) following the CAS number indicates that the CAS number is given for the parent compound only.

f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d) of this Section, are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in Section 721.105(a) and (g). These wastes and their corresponding USEPA Hazardous Waste Numbers are:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The absence of a letter indicates that the compound is only listed for toxicity.

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U394	30558-43-1	A2213
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluorene-2-yl-
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters
U112	141-78-6	Acetic acid, ethyl ester (I)
U144	301-04-2	Acetic acid, lead (2+) salt
U214	563-68-8	Acetic acid, thallium (I+) salt
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
U002	67-64-1	Acetone (I)
U003	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acethylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione,
U280	101-27-9	6-amino-8-[(aminocarbonyl)oxy]methyl]-1,1a,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1a-S-(1aalpha,8alpha,8beta)]-
U278	22781-23-3	Barban
U364	22961-82-6	Bendiocarb
U271	17804-35-2	Bendiocarb phenol
U157	56-49-5	Benomyl
U016	225-51-4	Benz[<i>j</i>]aceanthrylene, 1,2-dihydro-3-methyl-
U017	98-87-3	Benz(c)acridine
U192	23950-58-5	Benzal chloride
U018	56-55-3	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U094	57-97-6	Benz[<i>a</i>]anthracene

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U012	62-53-3	7,12-dimethyl-
U014	492-80-8	Benzenamine (I,T)
U049	3165-93-3	Benzenamine, 4,4'-carbonimidoylbis [N,N-dimethyl-
U093	60-11-7	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U328	95-53-4	Benzenamine, N,N-dimethyl-4-(phenylazo)-
U353	106-49-0	Benzenamine, 2-methyl-
U158	101-14-4	Benzenamine, 4-methyl-
U222	636-21-5	Benzenamine, 4,4'-methylenebis[2-chloro-
U181	99-55-8	Benzenamine, 2-methyl-, hydrochloride
U019	71-43-2	Benzenamine, 2-methyl-5-nitro-
U038	510-15-6	Benzenamine, 2-methyl-5-nitro-
U030	101-55-3	Benzenamine, 2-methyl-5-nitro-
U035	305-03-3	Benzenamine, 2-methyl-5-nitro-
U037	108-90-7	4-[bis(2-chloroethyl)amino]-
U221	25376-45-8	Benzenamine, ar-methyl-
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, diethyl ester
U070	95-50-1	1,2-Benzenedicarboxylic acid, diethyl ester
U071	541-73-1	Benzenamine, 1,2-dichloro-
U072	106-46-7	Benzenamine, 1,3-dichloro-
U060	72-54-8	Benzenamine, 1,4-dichloro-
U017	98-87-3	Benzenamine, 1,1'-(2,2-dichloroethylidene) bis(4-chloro-
U223	26471-62-5	Benzenamine, (dichloromethyl)-
U239	1330-20-7	Benzenamine, 1,3-diisocyanatomethyl-
U201	108-46-3	Benzenamine, dimethyl- (I,T)

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U127	118-74-1	Benzene, hexachloro-
U056	110-82-7	Benzene, hexahydro- (I)
U220	108-88-3	Benzene, methyl-
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-
U185	82-68-8	Benzene, pentachloronitro-
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)
U027	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene,
		1,1'-(2,2,2-trichloroethylidene)
		bis(4-chloro-
U247	72-43-5	Benzene,
		1,1'-(2,2,2-trichloroethylidene)
		bis(4-methoxy-
U023	98-07-7	Benzene, (trichloromethyl)-
U234	99-35-4	Benzene, 1,3,5-trinitro-
U021	92-87-5	Benzidine
U202	P 81-07-2	1,2-Benzisothiazol-3(2H)-one,
		1,1-dioxide, and salts
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-,
		methyl carbamate
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-di-
		methyl-
U064	189-55-9	Benzo[<i>a</i>]pyrene
U248	P 81-81-2	2H-1-Benzopyran-2-one,
		4-hydroxy-3-(3-oxo-1-
		phenylbutyl)-, and salts, when
		present
		at concentrations of 0.3percent or
		less
U022	50-32-8	Benzo[<i>a</i>]pyrene
U197	106-51-4	p-Benzoquinone
U023	98-07-7	Benzotrichloride (C,R,T)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[1,1'-Biphenyl]-4,4'-diamine
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine,

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U091	119-90-4	3,3'-dichloro- [1,1'-Biphenyl]-4,4'-diamine,
U095	119-93-7	3,3'-dimethoxy- [1,1'-Biphenyl]-4,4'-diamine,
U225	75-25-2	3,3'-dimethyl- Bromoform
U030	101-55-3	4-Bromophenyl phenyl ether
U128	87-68-3	1,3-Butadiene,
		1,1,2,3,4,4-hexachloro-
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U031	71-36-3	1-Butanol (I)
U159	78-93-3	2-Butanone (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U053	4170-30-3	2-Butenal
U074	764-41-0	2-Butene, 1,4-dichloro- (I,T)
U143	303-34-4	2-Butenoic acid, 2-methyl-,
		7-[[2,3-dihydroxy-2-(1-
		methoxyethyl)-3-methyl-1-oxobutoxy]methyl]
		-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl
		ester, [1S-(1alpha(2),
		7(2S*,3R*), 7alpha)]-
U031	71-36-3	n-Butyl alcohol (I)
U136	75-60-5	Cacodylic acid
U032	13765-19-0	Calcium chromate
U372	10605-21-7	Carbamic acid, 1H-benzimidazol-2-yl,
		methyl ester
U271	17804-35-2	Carbamic acid, [1-(butylamino)-
		carbonyl]-1H-benzimidazol-2-yl]-,
		methyl ester
U280	101-27-9	Carbamic acid, (3-chlorophenyl)-, 4-
		chloro-2-butynyl ester
U238	51-79-6	Carbamic acid, ethyl ester
U178	615-53-2	Carbamic acid, methylnitroso-, ethyl
		ester
U373	122-42-9	Carbamic acid, phenyl-, 1-methylethyl
		ester
U409	23564-05-8	Carbamic acid, [1,2-phenylenebis
		(iminocarbonothioyl)]bis-,
		dimethyl ester
U097	79-44-7	Carbamic chloride, dimethyl-
U114	P 111-54-6	Carbamodithioic acid, 1,2-
		ethanediyldis-, salts and esters
U062	2303-16-4	Carbamothioic acid,
		bis(1-methylethyl)-, S-(2,3-

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. [CAS No.]	Substance
U389	2303-17-5	dichloro-2-propenyl) ester Carbamothioic acid, bis(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester Carbamothioic acid, dipropyl-, S- (phenylmethyl) ester Carbaryl Carbendazim Carbofuran phenol Carbonic acid, dithallium (1+) salt Carbonic difluoride Carbonochloridic acid, methyl ester (I,T)
U387	52888-80-9	
U279	63-25-2	
U372	10605-21-7	
U367	1563-38-8	
U215	6533-73-9	
U033	353-50-4	
U156	79-22-1	
U033	353-50-4	
U211	56-23-5	Carbon oxyfluoride (R,T)
U034	75-87-6	Carbon tetrachloride
U035	305-03-3	Chloral
U036	57-74-9	Chlorambucil
U026	494-03-1	Chlordane, alpha and gamma isomers
U037	108-90-7	Chlornaphazin
U038	510-15-6	Chlorobenzene
U039	59-50-7	Chlorobenzilate
U042	110-75-8	Chloro-m-cresol
U044	67-66-3	2-Chloroethyl vinyl ether
U046	107-30-2	Chloroform
U047	91-58-7	Chloromethyl methyl ether
U048	95-57-8	beta-Chloronaphthalene
U049	3165-93-3	o-Chlorophenol
U032	13765-19-0	4-Chloro-o-toluidine, hydrochloride
U050	218-01-9	Chromic acid H[2]CrO[4], calcium salt
U051		Chrysene
U052	1319-77-3	Creosote
U053	4170-30-3	Cresol (Cresylic acid)
U055	98-82-8	Crotonaldehyde
U246	506-68-3	Cumene (I)
U197	106-51-4	Cyanogen bromide CNBr
U056	110-82-7	2,5-Cyclohexadiene-1,4-dione
U129	58-89-9	Cyclohexane (I)
		Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)- Cyclohexanone (I)
U057	108-94-1	1,3-Cyclopentadiene,
U130	77-47-4	1,2,3,4,5,5-hexachloro-
U058	50-18-0	Cyclophosphamide
U240	P 94-75-7	2,4-D, salts and esters

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NOTICE OF PROPOSED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. [CAS No.]	Substance
U059	20830-81-3	Daunomycin
U060	72-54-8	DDD
U061	50-29-3	DDT
U062	2303-16-4	Diallate
U063	53-70-3	Dibenz[a,h]anthracene
U064	189-55-9	Dibenzo[a,i]pyrene
U066	96-12-8	1,2-Dibromo-3-chloropropane
U214	84-74-2	Dibutyl phthalate
U070	95-50-1	o-Dichlorobenzene
U071	541-73-1	m-Dichlorobenzene
U072	106-46-7	p-Dichlorobenzene
U073	91-94-1	3,3'-Dichlorobenzidine
U074	764-41-0	1,4-Dichloro-2-butene (I,T)
U075	75-71-8	Dichlorodifluoromethane
U078	75-35-4	1,1-Dichloroethylene
U079	156-60-5	1,2-Dichloroethylene
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane
U081	120-83-2	2,4-Dichlorophenol
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2:3,4-Diepoxybutane (I,T)
U395	5952-26-1	Diethylene glycol, dicarbamate
U108	123-91-1	1,4-Diethyleneoxide
U028	117-81-7	Diethylhexyl phthalate
U086	1615-80-1	N,N'-Diethylhydrazine
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbestrol
U090	94-58-6	Dihydrosafrole
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	7,12-Dimethylbenz[a]anthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha, alpha-Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate

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NOTICE OF PROPOSED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propyl nitrosamine
U041	106-89-8	Epichlorohydrin
U001	75-07-0	Ethanal (I)
U404	121-44-8	Ethanamine, N,N-diethyl-
U174	55-18-5	Ethanamine, N-ethyl-N-nitroso-
U155	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2-pyridinyl -N'-(2-thienylmethyl)-
U067	106-93-4	Ethane, 1,2-dibromo-
U076	75-34-3	Ethane, 1,1-dichloro-
U077	107-06-2	Ethane, 1,2-dichloro-
U131	67-72-1	Ethane, hexachloro-
U024	111-91-1	Ethane, 1,1'-[methylenebis(oxy)]bis[2-chloro- Ethane, 1,1'-oxybis- (I) Ethane, 1,1'-oxybis[2-chloro- Ethane, pentachloro- Ethane, 1,1,1,2-tetrachloro- Ethane, 1,1,2,2-tetrachloro- Ethane, 1,1,2,2-tetrachloro- Ethane, 1,1,1-trichloro- Ethane, 1,1,2-trichloro- Ethanimidothioic acid, N,N'- [thiobis-[(methylimino)carbonyloxy]] bis-, dimethyl ester
U394	30558-43-1	Ethanimidothioic acid, 2-(dimethyl- amino)-N-hydroxy-2-oxo-, methyl ester
U359	110-80-5	Ethanol, 2-ethoxy-
U173	1116-54-7	Ethanol, 2,2'-(nitrosoimino)bis-
U395	5952-26-1	Ethanol, 2,2'-oxybis-, dicarbamate
U004	98-86-2	Ethanone, 1-phenyl-
U043	75-01-4	Ethene, chloro-
U042	110-75-8	Ethene, (2-chloroethoxy)-
U078	75-35-4	Ethene, 1,1-dichloro-
U079	156-60-5	Ethene, 1,2-dichloro-, (E)-
U210	127-18-4	Ethene, tetrachloro-
U228	79-01-6	Ethene, trichloro-

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NOTICE OF PROPOSED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U238	51-79-6	Ethyl carbamate (urethane)
U117	60-29-7	Ethyl ether
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters
U067	106-93-4	Ethylene dibromide
U077	107-06-2	Ethylene dichloride
U359	110-80-5	Ethylene glycol monoethyl ether
U115	75-21-8	Ethylene oxide (I,T)
U116	96-45-7	Ethylenethiourea
U076	75-34-3	Ethylidene dichloride
U118	97-63-2	Ethyl methacrylate
U119	62-50-0	Ethyl methanesulfonate
U120	206-44-0	Fluoranthene
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro- (I)
U125	98-01-1	Furfural (I)
U124	110-00-9	Furfuran (I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2- (3-methyl-3-nitroso-urido)-, D- D-Glucose, 2-deoxy-2-[(methylnitrosoamino)- carbonyl]amino]- Glycidylaldehyde Guanidine, N-methyl-N'-nitro-N-nitroso- Hexachlorobenzene Hexachlorobutadiene Hexachlorocyclopentadiene Hexachloroethane Hexachlorophene Hexachloropropene Hydrazine (R,T) Hydrazine, 1,2-diethyl- Hydrazine, 1,1-dimethyl- Hydrazine, 1,2-dimethyl- Hydrazine, 1,2-diphenyl- Hydrofluoric acid (C,T) Hydrogen fluoride (C,T)
U126	765-34-4	
U163	70-25-7	
U127	118-74-1	
U128	87-68-3	
U130	77-47-4	
U131	67-72-1	
U132	70-30-4	
U243	1888-71-7	
U133	302-01-2	
U086	1615-80-1	
U098	57-14-7	
U099	540-73-8	
U109	122-66-7	
U134	7664-39-3	
U134	7664-39-3	

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NOTICE OF PROPOSED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H ₂ S
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl- (R)
U116	96-45-7	2-Imidazolidinethione
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U190	85-44-9	1,3-Isobenzofurandione
U140	78-83-1	Isobutyl alcohol (I,T)
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U143	303-34-4	Lasiocarpene
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U145	7446-27-7	Lead phosphate
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U092	124-40-3	Methanamine, N-methyl- (I)
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I,T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I,T)
U225	75-25-2	Methane, tribromo-
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	1,2,4,5,6,7,8-octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-

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NOTICE OF PROPOSED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U247	72-43-5	one, 1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydr
U154	67-56-1	Methoxychlor
U029	74-83-9	Methyl alcohol (I)
U186	504-60-9	Methyl bromide
U045	74-87-3	1-Methylbutadiene (I)
U156	79-22-1	Methyl chloride (I,T)
U226	71-55-6	Methyl chloroacetate (I,T)
U157	56-49-5	Methylchloroform
U158	101-14-4	3-Methylcholanthrene
U068	74-95-3	4,4'-Methylenebis(2-chloroaniline)
U080	75-09-2	Methylene bromide
U159	78-93-3	Methylene chloride
U160	1338-23-4	Methyl ethyl ketone (MEK) (I,T)
U138	74-88-4	Methyl ethyl ketone peroxide (R,T)
U161	108-10-1	Methyl iodide
U162	80-62-6	Methyl isobutyl ketone (I)
U161	108-10-1	Methyl methacrylate (I,T)
U164	56-04-2	4-Methyl-2-pentanone (I)
U010	50-07-7	Methylthiouracil
U059	20830-81-3	Mitomycin C
U167	134-32-7	5,12-Naphthacenedione, 8-acetyl-10-
U168	91-59-8	[(3-amino-2,3,6-trideoxy)-alpha-L- lyxo-hexapyranosyl]oxyl]-
U026	494-03-1	7,8,9,10-tetrahydro-6,8,11-trihydroxy -1-methoxy-, (8S-cis)-
U165	91-20-3	1-Naphthalenamine
U047	91-58-7	2-Naphthalenamine
U166	130-15-4	Naphthaleneamine, N,N'-bis(2-chloroethyl)-
U236	72-57-1	Naphthalene Naphthalene, 2-chloro- 1,4-Naphthalenedione 2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-1,1'- biphenyl)-4,4'-diyl] bis(azo)bis[5-amino-4- hydroxy]-, tetrasodium salt
U279	63-25-2	1-Naphthalenol, methylcarbamate
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	beta-Naphthylamine
U217	10102-45-1	Nitric acid, thallium (1+) salt
U169	98-95-3	Nitrobenzene (I,T)

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NOTICE OF PROPOSED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U170	100-02-7	p-Nitrophenol
U171	79-46-9	2-Nitropropane (I,T)
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-
U115	75-21-8	Oxazaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide
U126	765-34-4	Oxirane (I,T)
U041	106-89-8	Oxiranecarboxaldehyde
U182	123-63-7	Oxirane, (chloromethyl)-
U183	608-93-5	Paraldehyde
U184	76-01-7	Pentachlorobenzene
U185	82-68-8	Pentachloroethane
See F027	87-86-5	Pentachloronitrobenzene (PCNB)
U161	108-10-1	Pentanol, 4-methyl-
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol,
U411	114-26-1	2,2'-methylenebis[3,4,6-trichloro-phenol, 2-(1-methylethoxy)-, methyl-carbamate
U170	100-02-7	Phenol, 4-nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
U150	148-82-3	L-Phenylalanine,
U145	7446-27-7	4-[bis(2-chloroethyl)amino]-
U087	3288-58-2	Phosphoric acid, lead (2+) salt (2:3)
U189	1314-80-3	Phosphorodithioic acid,
U190	85-44-9	O,O-diethyl S-methyl ester
U191	109-06-8	Phthalic anhydride
U179	100-75-4	2-Picoline
U192	23950-58-5	Piperidine, 1-nitroso-
U194	107-10-8	Pronamide
U111	621-64-7	1-Propanamine (I,T)
U110	142-84-7	1-Propanamine, N-nitroso-N-propyl-
U066	96-12-8	1-Propanamine, N-propyl- (I)
U083	78-87-5	Propane, 1,2-dibromo-3-chloro-
U149	109-77-3	Propane, 1,2-dichloro-
U171	79-46-9	Propanedinitrile
U027	108-60-1	Propane, 2-nitro- (I,T)
See F027	93-72-1	Propane, 2,2'-oxybis[2-chloro-
U193	1120-71-4	Propanoic acid, 2-(2,4,5-
U235	126-72-7	trichlorophenoxy)-
U140	78-83-1	1,3-Propane sultone
U002	67-64-1	1-Propanol, 2,3-dibromo-, phosphate
U007	79-06-01	(3:1)
U084	542-75-6	1-Propanol, 2-methyl- (I,T)
U243	1888-71-7	2-Propanone (I)
U009	107-13-1	2-Propenamide
U152	126-98-7	1-Propene, 1,3-dichloro-
U008	79-10-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U113	140-88-5	2-Propenenitrile
U118	97-63-2	2-Propenenitrile, 2-methyl- (I,T)
U162	80-62-6	2-Propenoic acid (I)
U373	122-42-9	2-Propenoic acid, ethyl ester (I)
U411	114-26-1	2-Propenoic acid, 2-methyl-, ethyl ester
See F027	93-72-1	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U194	107-10-8	Propoxur
U083	78-87-5	Propionic acid,
U387	52888-80-9	2-(2,4,5-trichlorophenoxy)-
U148	123-33-1	n-Propylamine (I,T)
		Propylene dichloride
		prosulfocarb
		3,6-Pyridazinedione, 1,2-dihydro-

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U150	148-82-3	L-Phenylalanine,
U145	7446-27-7	4-[bis(2-chloroethyl)amino]-
U087	3288-58-2	Phosphoric acid, lead (2+) salt (2:3)
U189	1314-80-3	Phosphorodithioic acid,
U190	85-44-9	O,O-diethyl S-methyl ester
U191	109-06-8	Phthalic anhydride
U179	100-75-4	2-Picoline
U192	23950-58-5	Piperidine, 1-nitroso-
U194	107-10-8	Pronamide
U111	621-64-7	1-Propanamine (I,T)
U110	142-84-7	1-Propanamine, N-nitroso-N-propyl-
U066	96-12-8	1-Propanamine, N-propyl- (I)
U083	78-87-5	Propane, 1,2-dibromo-3-chloro-
U149	109-77-3	Propane, 1,2-dichloro-
U171	79-46-9	Propanedinitrile
U027	108-60-1	Propane, 2-nitro- (I,T)
See F027	93-72-1	Propane, 2,2'-oxybis[2-chloro-
U193	1120-71-4	Propanoic acid, 2-(2,4,5-
U235	126-72-7	trichlorophenoxy)-
U140	78-83-1	1,3-Propane sultone
U002	67-64-1	1-Propanol, 2,3-dibromo-, phosphate
U007	79-06-01	(3:1)
U084	542-75-6	1-Propanol, 2-methyl- (I,T)
U243	1888-71-7	2-Propanone (I)
U009	107-13-1	2-Propenamide
U152	126-98-7	1-Propene, 1,3-dichloro-
U008	79-10-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U113	140-88-5	2-Propenenitrile
U118	97-63-2	2-Propenenitrile, 2-methyl- (I,T)
U162	80-62-6	2-Propenoic acid (I)
U373	122-42-9	2-Propenoic acid, ethyl ester (I)
U411	114-26-1	2-Propenoic acid, 2-methyl-, ethyl ester
See F027	93-72-1	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U194	107-10-8	Propoxur
U083	78-87-5	Propionic acid,
U387	52888-80-9	2-(2,4,5-trichlorophenoxy)-
U148	123-33-1	n-Propylamine (I,T)
		Propylene dichloride
		prosulfocarb
		3,6-Pyridazinedione, 1,2-dihydro-

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NOTICE OF PROPOSED AMENDMENTS

USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-
U164	58-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U202	P 81-07-2	Saccharin and salts
U203	94-59-7	Safrole
U204	7783-00-8	Selenious acid
U205	7488-56-4	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U015	115-02-6	L-Serine, diazoacetate (ester)
See F027	93-72-1	Silvex (2,4,5-TP)
U206	18883-66-4	Streptozotocin
U103	77-78-1	Sulfuric acid, dimethyl ester
U189	1314-80-3	Sulfur phosphide (R)
See F027	93-76-5	2,4,5-T
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Tetrachloroethylene
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Thallium (I) acetate
U215	6533-73-9	Thallium (I) carbonate
U216	7791-12-0	Thallium (I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Thallium (I) nitrate
U218	62-55-5	Thioacetamide
U410	59669-26-0	Thiodicarb
U153	74-93-1	Thiomethanol (I,T)
U244	137-26-8	Thioperoxydicarbonic diamide [(H(2N)C(S))2]S[2], tetramethyl-
U409	23564-05-8	Thiophanate-methyl
U219	62-56-6	Thiourea
U244	137-26-8	Thiram
U220	108-88-3	Toluene
U221	25376-45-8	Toluenediamine
U223	26471-62-5	Toluene diisocyanate (R,T)

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USEPA Hazardous Waste No.	Chemical Abstracts No. (CAS No.)	Substance
U328	95-53-4	o-Toluidine
U353	106-49-0	p-Toluidine
U222	636-21-5	o-Toluidine hydrochloride
U389	2303-17-5	Triallate
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U408	118-79-6	2,4,6-Tribromophenol
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Trichloroethylene
U121	75-69-4	Trichloromonofluoromethane
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol
U404	121-44-8	Triethylamine
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	Trypan blue
U237	66-75-1	Uracil mustard
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
U043	75-01-4	Vinyl chloride
U248	P 81-81-2	Warfarin, and salts, when present at concentrations of 0.3% or less
U239	1330-20-7	Xylene (I)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta,16beta,17alpha,18beta,20alpha)-(3beta,16beta,17alpha,18beta,20alpha)-Zn phosphide Zn[3P]2], when present at concentrations of 10percent or less
U249	1314-84-7	
(Source: Amended at 22 Ill. Reg. _____, effective _____)		

Section 721.138 Comparable or Syngas Fuel Exclusion

Wastes that meet the following comparable or syngas fuel requirements are not solid wastes:

a) Comparable fuel specifications.

1) Physical specifications.

A) Heating value. The heating value must exceed 5,000 Btu/lb (11,500 J/g).

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B) Viscosity. The viscosity must not exceed: 50 cs, as-fired.
 2) Constituent specifications. For the compounds listed, the constituent specification levels and minimum required detection limits (where non-detect is the constituent specification) are set forth in the table at subsection (d) of this Section.

b) Synthesis gas fuel specification. Synthesis gas fuel (i.e., syngas fuel) that is generated from hazardous waste must fulfill the following requirements:

- 1) It must have a minimum Btu value of 100 Btu/Scf;
- 2) It must contain less than 1 ppmv of total halogen;
- 3) It must contain less than 300 ppmv of total nitrogen other than diatomic nitrogen (N₂);
- 4) It must contain less than 200 ppmv of hydrogen sulfide; and
- 5) It must contain less than 1 ppmv of each hazardous constituent in the target list of Appendix H constituents.

c) Implementation. Waste that meets the comparable or syngas fuel specifications provided by subsection (a) or (b) of this Section (these constituent levels must be achieved by the comparable fuel when generated, or as a result of treatment or blending, as provided in subsection (c)(3) or (c)(4) of this Section) is excluded from the definition of solid waste provided that the following requirements are met:

- 1) Notices. For purposes of this Section, the person claiming and qualifying for the exclusion is called the comparable or syngas fuel generator and the person burning the comparable or syngas fuel is called the comparable or syngas burner. The person that generates the comparable fuel or syngas fuel must claim and certify to the exclusion.
- A) Notice to the Agency.
 - i) The generator must submit a one-time notice to the Agency, certifying compliance with the conditions of the exclusion and providing documentation as required by subsection (c)(1)(A)(iii) of this Section;
 - ii) If the generator is a company that generates comparable or syngas fuel at more than one facility, the generator shall specify at which sites the comparable or syngas fuel will be generated;
 - iii) A comparable or syngas fuel generator's notification to the Agency must contain the items listed in subsection (c)(1)(C) of this Section.

B) Public notice. Prior to burning an excluded comparable or syngas fuel, the burner must publish in a major newspaper of general circulation local to the site where the fuel will be burned, a notice entitled "Notification of Burning a Comparable or Syngas Fuel Excluded Under the Resource Conservation and Recovery Act" containing the following information:

- i) The name, address, and USEPA identification number of

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- ii) The name and address of the unit(s) that will burn the comparable or syngas fuel;
- iii) A brief, general description of the manufacturing, treatment, or other process generating the comparable or syngas fuel;
- iv) An estimate of the average and maximum monthly and annual quantity of the waste claimed to be excluded; and
- v) The name and mailing address of the Agency office, to which the claim was submitted.

C) Required content of comparable or syngas notification to the Agency.

- i) The name, address, and USEPA identification number of the person or facility claiming the exclusion;
- ii) The applicable USEPA hazardous waste code(s) for the hazardous waste;
- iii) The name and address of the units that meet the requirements of subsection (c)(2) of this Section which will burn the comparable or syngas fuel; and
- iv) The following statement, signed and submitted by the person claiming the exclusion or its authorized representative:

Under penalty of criminal and civil prosecution for making or submitting false statements, representations, or omissions, I certify that the requirements of 35 Ill. Adm. Code 721.138 have been met for all waste identified in this notification. Copies of the records and information required by 35 Ill. Adm. Code 721.138(c)(10) are available at the comparable or syngas fuel generator's facility. Based on my inquiry of the individuals immediately responsible for obtaining the information, the information is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Subsections (c)(1)(C)(i) through (c)(1)(C)(iv) are derived from 40 CFR 261.138(c)(1)(i)(C)(1) and (c)(1)(i)(C)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 2) Burning. The comparable or syngas fuel exclusion for fuels that meet the requirements of subsection (a) or (b) and (c)(1) of this Section applies only if the fuel is burned in the following units

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that also shall be subject to federal, State, and local air emission requirements, including all applicable federal Clean Air Act (CAA) maximum achievable control technology (MACT) requirements:

- A) Industrial furnaces, as defined in 35 Ill. Adm. Code 720.110;
- B) Boilers, as defined in 35 Ill. Adm. Code 720.110, that are further defined as follows:
 - i) Industrial boilers located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes; or
 - ii) Utility boilers used to produce electric power, steam, heated or cooled air, or other gases or fluids for sale;
- C) Hazardous waste incinerators subject to regulation under 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O or applicable CAA MACT standards.

3) Blending to meet the viscosity specification. A hazardous waste blended to meet the viscosity specification must fulfill the following requirements:

- A) As generated and prior to any blending, manipulation, or processing, the waste must meet the constituent and heating value specifications of subsections (a)(1)(A) and (a)(2) of this Section;
- B) The waste must be blended at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and
- C) The waste must not violate the dilution prohibition of subsection (c)(6) of this Section.

4) Treatment to meet the comparable fuel exclusion specifications.

- A) A hazardous waste may be treated to meet the exclusion specifications of subsections (a)(1) and (a)(2) of this Section provided the treatment fulfills the following requirements:
 - i) The treatment destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying hazardous constituents or materials;
 - ii) The treatment is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134; and
 - iii) The treatment does not violate the dilution prohibition of subsection (c)(6) of this Section.
- B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a comparable fuel remain a hazardous waste.

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5) Generation of a syngas fuel.

- A) A syngas fuel can be generated from the processing of hazardous wastes to meet the exclusion specifications of subsection (b) of this Section provided the processing fulfills the following requirements:
 - i) The processing destroys or removes the constituent listed in the specification or raises the heating value by removing or destroying constituents or materials;
 - ii) The processing is performed at a facility that is subject to the applicable requirements of 35 Ill. Adm. Code 724 and 725 or 35 Ill. Adm. Code 722.134 or is an exempt recycling unit pursuant to Section 261.106(c); and
 - iii) The processing does not violate the dilution prohibition of subsection (c)(6) of this Section.
- B) Residuals resulting from the treatment of a hazardous waste listed in Subpart D of this Part to generate a syngas fuel remain a hazardous waste.
- 6) Dilution prohibition for comparable and syngas fuels. No generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a hazardous waste to meet the exclusion specifications of subsection (a)(1)(A), (a)(2) or (b) of this Section.
- 7) Waste analysis plans. The generator of a comparable or syngas fuel shall develop and follow a written waste analysis plan which describes the procedures for sampling and analysis of the hazardous waste to be excluded. The waste analysis plan shall be developed in accordance with the applicable sections of the "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods" (SW-846). The plan shall be followed and retained at the facility excluding the waste.
 - A) At a minimum, the plan must specify the following:
 - i) The parameters for which each hazardous waste will be analyzed and the rationale for the selection of those parameters;
 - ii) The test methods which will be used to test for these parameters;
 - iii) The sampling method which will be used to obtain a representative sample of the waste to be analyzed;
 - iv) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date; and
 - v) If process knowledge is used in the waste determination, any information prepared by the generator in making such determination.
 - B) The waste analysis plan must also contain records of the following:

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- i) The dates and times waste samples were obtained, and the dates the samples were analyzed;
 - ii) The names and qualifications of the person(s) who obtained the samples;
 - iii) A description of the temporal and spatial locations of the samples;
 - iv) The name and address of the laboratory facility at which analyses of the samples were performed;
 - v) A description of the analytical methods used, including any clean-up and sample preparation methods;
 - vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.); laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan which occurred;
 - vii) All laboratory results demonstrating that the exclusion specifications have been met for the waste; and
 - viii) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request.
- C) Syngas fuel generators shall submit for approval, prior to performing sampling, analysis, or any management of a syngas fuel as an excluded waste, a waste analysis plan containing the elements of subsection (c)(7)(A) of this Section to the appropriate regulatory authority. The approval of waste analysis plans must be stated in writing and received by the facility prior to sampling and analysis to demonstrate the exclusion of a syngas. The approval of the waste analysis plan may contain such provisions and conditions as the regulatory authority deems appropriate.
- 8) Comparable fuel sampling and analysis.
- A) General. For each waste for which an exclusion is claimed, the generator of the hazardous waste must test for all the constituents on Appendix H of this Part, except those that the generator determines, based on testing or knowledge, should not be present in the waste. The generator is required to document the basis of each determination that a constituent should not be present. The generator may not determine that any of the following categories of constituents should not be present:
 - i) A constituent that triggered the toxicity

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- characteristic for the waste constituents that were the basis of the listing of the waste stream, or constituents for which there is a treatment standard for the waste code in 35 Ill. Adm. Code 728.140;
- ii) A constituent detected in previous analysis of the waste;
 - iii) Constituents introduced into the process that generates the waste; or
 - iv) Constituents that are byproducts or side reactions to the process that generates the waste.
- Note to subsection (c)(8): Any claim under this Section must be valid and accurate for all hazardous constituents; a determination not to test for a hazardous constituent will not shield a generator from liability should that constituent later be found in the waste above the exclusion specifications.
- B) For each waste for which the exclusion is claimed where the generator of the comparable or syngas fuel is not the original generator of the hazardous waste, the generator of the comparable or syngas fuel may not use process knowledge pursuant to subsection (c)(8)(A) of this Section and must test to determine that all of the constituent specifications of subsections (a)(2) and (b) of this Section have been met.
- C) The comparable or syngas fuel generator may use any reliable analytical method to demonstrate that no constituent of concern is present at concentrations above the specification levels. It is the responsibility of the generator to ensure that the sampling and analysis are unbiased, precise, and representative of the waste. For the waste to be eligible for exclusion, a generator must demonstrate the following:
- i) That each constituent of concern is not present in the waste above the specification level at the 95 percent upper confidence limit around the mean; and
 - ii) That the analysis could have detected the presence of the constituent at or below the specification level at the 95 percent upper confidence limit around the mean.
- D) Nothing in this subsection (c)(8) preempts, overrides or otherwise negates the provision in 35 Ill. Adm. Code 722.111 that requires any person that generates a solid waste to determine if that waste is a hazardous waste.
- E) In an enforcement action, the burden of proof to establish conformance with its exclusion specification shall be on the generator claiming the exclusion.
- F) The generator must conduct sampling and analysis in accordance with its waste analysis plan developed under subsection (c)(7) of this Section.
- G) Syngas fuel and comparable fuel that has not been blended in order to meet the kinematic viscosity specifications must be analyzed as generated.

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- H) If a comparable fuel is blended in order to meet the kinematic viscosity specifications, the generator shall undertake the following actions:
- i) Analyze the fuel as generated to ensure that it meets the constituent and heating value specifications; and
 - ii) After blending, analyze the fuel again to ensure that the blended fuel continues to meet all comparable or syngas fuel specifications.
- I) Excluded comparable or syngas fuel must be re-tested, at a minimum, annually and must be retested after a process change that could change the chemical or physical properties of the waste.
- 9) Speculative accumulation. Any persons handling a comparable or syngas fuel are subject to the speculative accumulation test under Section 721.102(c)(4).
- 10) Records. The generator must maintain records of the following information on-site:
- A) All information required to be submitted to the implementing authority as part of the notification of the claim:
 - i) The owner or operator name, address, and RCRA facility USEPA identification number of the person claiming the exclusion;
 - ii) The applicable USEPA hazardous waste codes for each hazardous waste excluded as a fuel; and
 - iii) The certification signed by the person claiming the exclusion or his authorized representative;
 - B) A brief description of the process that generated the hazardous waste and process that generated the excluded fuel, if not the same;
 - C) An estimate of the average and maximum monthly and annual quantities of each waste claimed to be excluded;
 - D) Documentation for any claim that a constituent is not present in the hazardous waste as required under subsection (c)(8)(A) of this Section;
 - E) The results of all analyses and all detection limits achieved as required under subsection (c)(8) of this Section;
 - F) If the excluded waste was generated through treatment or blending, documentation as required under subsection (c)(3) or (c)(4) of this Section;
 - G) If the waste is to be shipped off-site, a certification from the burner as required under subsection (c)(12) of this Section;
 - H) A waste analysis plan and the results of the sampling and analysis that include the following:
 - i) The dates and times waste samples were obtained, and the dates the samples were analyzed;
 - ii) The names and qualifications of the person(s) that

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- obtained the samples:
- iii) A description of the temporal and spatial locations of the samples;
 - iv) The name and address of the laboratory facility at which analyses of the samples were performed;
 - v) A description of the analytical methods used, including any clean-up and sample preparation methods;
 - vi) All quantitation limits achieved and all other quality control results for the analysis (including method blanks, duplicate analyses, matrix spikes, etc.);
 - vii) Laboratory quality assurance data, and description of any deviations from analytical methods written in the plan or from any other activity written in the plan which occurred;
 - viii) All laboratory analytical results demonstrating that the exclusion specifications have been met for the waste; and
 - ix) All laboratory documentation that supports the analytical results, unless a contract between the claimant and the laboratory provides for the documentation to be maintained by the laboratory for the period specified in subsection (c)(11) of this Section and also provides for the availability of the documentation to the claimant upon request; and
- I) If the generator ships comparable or syngas fuel off-site for burning, the generator shall retain for each shipment the following information on-site:
- i) The name and address of the facility receiving the comparable or syngas fuel for burning;
 - ii) The quantity of comparable or syngas fuel shipped and delivered;
 - iii) The date of shipment or delivery;
 - iv) A cross-reference to the record of comparable or syngas fuel analysis or other information used to make the determination that the comparable or syngas fuel meets the specifications as required under subsection (c)(8) of this Section; and
 - v) A one-time certification by the burner as required under subsection (c)(12) of this Section.
- 11) Records retention. Records must be maintained for the period of three years. A generator shall maintain a current waste analysis plan during that three year period.
- 12) Burner certification. Prior to submitting a notification to the Agency, a comparable or syngas fuel generator that intends to ship their fuel off-site for burning must obtain a one-time written, signed statement from the burner that includes the following:
- A) A certification that the comparable or syngas fuel will only

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be burned in an industrial furnace or boiler, utility boiler, or hazardous waste incinerator, as required under subsection (c)(2) of this Section.

B) Identification of the name and address of the units that

will burn the comparable or syngas fuel; and

C) A certification that the state in which the burner is located is authorized to exclude wastes as comparable or syngas fuel under the provisions of this Section.

13) Ineligible waste codes. Wastes that are listed because of presence of dioxins or furans, as set out in Appendix G of this Part, are not eligible for this exclusion, and any fuel produced from or otherwise containing these wastes remains a hazardous waste subject to full RCRA hazardous waste management requirements.

d) Table of detection and detection limit values for comparable fuel specification:

Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
Total Nitrogen As N	na	4900	
Total Halogens as Cl	na	540	
Total Organic Halogens as Cl	na	25 or individual halogenated organics listed below	
Polychlorinated biphenyls, total (Aroclors, total)(a)	1336-36-3	Non-detect	1.4
Cyanide, total	57-12-5	Non-detect	1.0
Metals:			
Antimony, total	7440-36-0	7.9	
Arsenic, total	7440-38-2	0.23	
Barium, total	7440-39-3	23	
Beryllium, total	7440-41-7	1.2	
Cadmium, total	7440-43-9	1.2	
Chromium, total	7440-47-3	2.3	
Cobalt	7440-48-4	4.6	
Lead, total	7439-92-1	31	
Manganese	7439-96-5	1.2	
Mercury, total	7439-97-6	0.24	
Nickel, total	7440-02-0	58	
Selenium, total	7782-49-2	0.15	
Silver, total	7440-22-4	2.3	
Thallium, total	7440-28-0	23	
Hydrocarbons:			

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
Benzof[a]anthracene	56-55-3	1100	
Benzene	71-43-2	4100	
Benzol[b]fluoranthene	205-99-2	960	
Benzol[k]fluoranthene	207-08-9	1900	
Benzol[a]pyrene	50-32-8	960	
Chrysene	218-01-9	1400	
Dibenzof[a,h]anthracene	53-70-3	960	
7,12-Dimethylbenz[a]- anthracene	57-97-6	1900	
Fluoranthene	206-44-0	1900	
Indeno[1,2,3-cd]pyrene	193-39-5	960	
3-Methylcholanthrene	56-49-5	1900	
Naphthalene	91-20-3	3200	
Toluene	108-88-3	36000	
Oxygates:			
Acetophenone	98-86-2	1900	
Acrolein	107-02-8	37	
Allyl alcohol	107-18-6	30	
Bis(2-ethylhexyl)- phthalate [Di-2-ethyl- hexyl phthalate]	117-81-7	1900	
Butyl benzyl phthalate	85-68-7	1900	
o-Cresol [2-Methyl phenol]	95-48-7	220	
m-Cresol [3-Methyl phenol]	108-39-4	220	
p-Cresol [4-Methyl phenol]	106-44-5	220	
Di-n-butyl phthalate	84-74-2	1900	
Diethyl phthalate	84-66-2	1900	
2,4-Dimethylphenol	105-67-9	1900	
Dimethyl phthalate	131-11-3	1900	
Di-n-octyl phthalate	117-84-0	960	
Endothall	145-73-3	100	
Ethyl methacrylate	97-63-2	37	
2-Ethoxyethanol [Ethylene glycol monoethyl ether]	110-80-5	100	
Isobutyl alcohol	78-83-1	37	
Isosafrole	120-58-1	1900	
Methyl ethyl ketone [2- Butanone]	78-93-3	37	
Methyl methacrylate	80-62-6	37	

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
1,4-Naphthoquinone	130-15-4	1900	
Phenol	108-95-2	1900	
Propargyl alcohol [2-Propyn-1-ol]	107-19-7	30	
Safrrole	94-59-7	1900	
Sulfonated Organics:			
Carbon disulfide	75-15-0	Non-detect	37
Disulfoton	298-04-4	Non-detect	1900
Ethyl methanesulfonate	62-50-0	Non-detect	1900
Methyl methane-sulfonate	66-27-3	Non-detect	1900
Phorate	298-02-2	Non-detect	1900
1,3-Propane sultone	1120-71-4	Non-detect	100
Tetraethyldithiopyrophosphate [Sulfotep]	3689-24-5	Non-detect	1900
Thiophenol [Benzene-thiol]	108-98-5	Non-detect	30
O,O,O-Triethyl phosphorothioate	126-68-1	Non-detect	1900
Nitrogenated Organics:			
Acetonitrile [Methyl cyanide]	75-05-8	Non-detect	37
2-Acetylaminofluorene [2-AAF]	53-96-3	Non-detect	1900
Acrylonitrile	107-13-1	Non-detect	37
4-Aminobiphenyl	92-67-1	Non-detect	1900
4-Aminopyridine	504-24-5	Non-detect	100
Aniline	62-53-3	Non-detect	1900
Benzidine	92-87-5	Non-detect	1900
Dibenz[a,j]acridine	224-42-0	Non-detect	1900
O,O-Diethyl O-pyrazinyl phosphorothioate [Thionazin]	297-97-2	Non-detect	1900
Dimethoate	60-51-5	Non-detect	1900
p-(Dimethylamino)azobenzene [4-Dimethylaminoazobenzene]	60-11-7	Non-detect	1900
3,3'-Dimethylbenzidine	119-93-7	Non-detect	1900
a,a-Dimethylphenethylamine	122-09-8	Non-detect	1900
3,3'-Dimethoxybenzidine	119-90-4	Non-detect	100
1,3-Dinitrobenzene [m-	99-65-0	Non-detect	1900

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
Dinitrobenzene]			
4,6-Dinitro-o-cresol	534-52-1	Non-detect	1900
2,4-Dinitrophenol	51-28-5	Non-detect	1900
2,4-Dinitrotoluene	121-14-2	Non-detect	1900
2,6-Dinitrotoluene	606-20-2	Non-detect	1900
Dinoseb [2-sec-Butyl-4,6-dinitrophenol]	88-85-7	Non-detect	1900
Diphenylamine	122-39-4	Non-detect	1900
Ethyl carbamate [Urethane]	51-79-6	Non-detect	100
Ethyleneethiourea (2-Imidazolidinethione)	96-45-7	Non-detect	110
Famphur	52-85-7	Non-detect	1900
Methacrylonitrile	126-98-7	Non-detect	37
Methapyrilene	91-80-5	Non-detect	1900
Methomyl	16752-77-5	Non-detect	57
2-Methylacetonitrile [Acetone cyanohydrin]	75-86-5	Non-detect	100
Methyl parathion MNNG [N-Methyl-N-nitroso-N'-nitroguanidine]	298-00-0	Non-detect	1900
	70-25-7	Non-detect	110
1-Naphthylamine, [alpha-Naphthylamine]	134-32-7	Non-detect	1900
2-Naphthylamine, [beta-Naphthylamine]	91-59-8	Non-detect	1900
Nicotine	54-11-5	Non-detect	100
4-Nitroaniline, [p-Nitroaniline]	100-01-6	Non-detect	1900
Nitrobenzene	98-95-3	Non-detect	1900
p-Nitrophenol, [p-Nitrophenol]	100-02-7	Non-detect	1900
5-Nitro-o-toluidine	99-55-8	Non-detect	1900
N-Nitrosodi-n-butylamine	924-16-3	Non-detect	1900
N-Nitrosodiethylamine	55-18-5	Non-detect	1900
N-Nitrosodiphenylamine, [Diphenylnitrosamine]	86-30-6	Non-detect	1900
N-Nitroso-N-methylethylamine	10595-95-6	Non-detect	1900
N-Nitrosomorpholine	59-89-2	Non-detect	1900
N-Nitrosopiperidine	100-75-4	Non-detect	1900

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
N-Nitrosopyrrolidine	930-55-2	Non-detect	1900
2-Nitropropane	79-46-9	Non-detect	30
Parathion	56-38-2	Non-detect	1900
Phenacetin	62-44-2	Non-detect	1900
1,4-Phenylene diamine, [p-Phenylenediamine]	106-50-3	Non-detect	1900
N-Phenylthiourea	103-85-5	Non-detect	57
2-Picoline [alpha- Picoline]	109-06-8	Non-detect	1900
Propylthiouracil [6- Propyl-2-thiouracil]	51-52-5	Non-detect	100
Pyridine	110-86-1	Non-detect	1900
Strychnine	57-24-9	Non-detect	100
Thioacetamide	62-55-5	Non-detect	57
Thiofanox	39196-18-4	Non-detect	100
Thiourea	62-56-6	Non-detect	57
Toluene-2,4-diamine [2,4-Diaminotoluene]	95-80-7	Non-detect	57
Toluene-2,6-diamine [2,6-Diaminotoluene]	823-40-5	Non-detect	57
o-Toluidine	95-53-4	Non-detect	2200
p-Toluidine	106-49-0	Non-detect	100
1,3,5-Trinitrobenzene, [sym-Trinitrobenzene]	99-35-4	Non-detect	2000
Halogenated Organics(b):			
Allyl chloride	107-05-1	Non-detect	37
Aramite	104-57-8	Non-detect	1900
Benzal chloride [Di- chloromethyl benzene]	98-87-3	Non-detect	100
Benzyl chloride	100-44-77	Non-detect	100
Bis(2-chloroethyl)ether [Dichloroethyl ether]	111-44-4	Non-detect	1900
Bromoform [Tribromo- methane]	75-25-2	Non-detect	37
Bromomethane [Methyl bromide]	74-83-9	Non-detect	37
4-Bromophenyl phenyl ether [p-Bromodiphenyl ether]	101-55-3	Non-detect	1900
Carbon tetrachloride	56-23-5	Non-detect	37
Chlordane	57-74-9	Non-detect	14
p-Chloroaniline	106-47-8	Non-detect	1900
Chlorobenzene	108-90-7	Non-detect	37

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
Chlorobenzilate	510-15-6	Non-detect	1900
p-Chloro-m-cresol	59-50-7	Non-detect	1900
2-Chloroethyl vinyl ether	110-75-8	Non-detect	37
Chloroform	67-66-3	Non-detect	37
Chloromethane [Methyl chloride]	74-87-3	Non-detect	37
2-Chlorophthalene [beta-Chlorophthalene]	91-58-7	Non-detect	1900
2-Chlorophenol [o- Chlorophenol]	95-57-8	Non-detect	1900
Chloroprene [2-Chloro- 1,3-butadiene]	1126-99-8	Non-detect	37
2,4-D [2,4-Dichloro- phenoxyacetic acid] Diallate	94-75-7	Non-detect	7.0
1,2-Dibromo-3-chloro- propane	2303-16-4	Non-detect	1900
1,2-Dichlorobenzene [o-Dichlorobenzene]	96-12-8	Non-detect	37
1,3-Dichlorobenzene [m-Dichlorobenzene]	95-50-1	Non-detect	1900
1,4-Dichlorobenzene [p-Dichlorobenzene]	541-73-1	Non-detect	1900
3,3'-Dichlorobenzidine Dichlorodifluoro- methane [CFC-12]	106-46-7	Non-detect	1900
1,2-Dichloroethane [Ethylene dichloride]	91-94-1	Non-detect	1900
1,1-Dichloroethylene [Vinylidene chloride]	75-71-8	Non-detect	37
Dichloromethoxy ethane [Bis(2-chloro- ethoxy)methane]	107-06-2	Non-detect	37
2,4-Dichlorophenol	75-35-4	Non-detect	37
2,6-Dichlorophenol	111-91-1	Non-detect	1900
1,2-Dichloropropane [Propylene dichloride]	120-83-2	Non-detect	1900
cis-1,3-Dichloro- propylene	87-65-0	Non-detect	37
trans-1,3-Dichloro- propylene	78-87-5	Non-detect	37
1,3-Dichloro-2-	10061-01-5	Non-detect	37
	10061-02-6	Non-detect	37
	96-23-1	Non-detect	30

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
propanol	959-98-8	Non-detect	1.4
Endosulfan I	33213-65-9	Non-detect	1.4
Endosulfan II	72-20-8	Non-detect	1.4
Endrin	7421-93-4	Non-detect	1.4
Endrin aldehyde	53494-70-5	Non-detect	1.4
Endrin Ketone	106-89-8	Non-detect	30
Epichlorohydrin [1-Chloro-2,3-epoxy propane]		Non-detect	
Ethylidene dichloride	75-34-3	Non-detect	37
[1,1-Dichloroethane]			
2-Fluoroacetamide	640-19-7	Non-detect	100
Heptachlor	76-44-8	Non-detect	1.4
Heptachlor epoxide	1024-57-3	Non-detect	2.8
Hexachlorobenzene	118-74-1	Non-detect	1900
Hexachloro-1,3-butadiene [Hexachlorobutadiene]	87-68-3	Non-detect	1900
Hexachlorocyclopentadiene	77-47-4	Non-detect	1900
Hexachloroethane	67-72-1	Non-detect	1900
Hexachlorophene	70-30-4	Non-detect	1000
Hexachloropropene	1888-71-7	Non-detect	1900
[Hexachloropropylene]			
Isodrin	465-73-6	Non-detect	1900
Kepone [Chlordecone]	143-50-0	Non-detect	3600
Lindane [gamma-Hexachlorocyclohexane]	58-89-9	Non-detect	1.4
[gamma-BHC]			
Methylene chloride	75-09-2	Non-detect	37
[Dichloromethane]			
4,4'-methylene-bis(2-chloroaniline)	101-14-4	Non-detect	100
Methyl iodide [Iodo-methane]	74-88-4	Non-detect	37
Pentachlorobenzene	608-93-5	Non-detect	1900
Pentachloroethane	76-01-7	Non-detect	37
Pentachloronitrobenzene [PCNB]	82-68-8	Non-detect	1900
[Quintobenzene]			
[Quintozene]			
Pentachlorophenol	87-86-5	Non-detect	1900
Pronamide	23950-58-5	Non-detect	1900

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Chemical Name	CAS No.	Concentration limit (mg/kg 10,000 Btu/lb)	Minimum required detection limit (mg/kg)
Silvex [2,4,5-Trichlorophenoxypropionic acid]	93-72-1	Non-detect	7.0
2,3,7,8-Tetrachlorodibenzo-p-dioxin [2,3,7,8-TCDD]	1746-01-6	Non-detect	30
1,2,4,5-Tetrachlorobenzene	95-94-3	Non-detect	1900
1,1,2,2-Tetrachloroethane	79-34-5	Non-detect	37
Tetrachloroethylene [Perchloroethylene]	127-18-4	Non-detect	37
2,3,4,6-Tetrachlorophenol	58-90-2	Non-detect	1900
1,2,4-Trichlorobenzene	120-82-1	Non-detect	1900
1,1,1-Trichloroethane [Methyl chloroform]	71-55-6	Non-detect	37
1,1,2-Trichloroethane [Vinyl trichloride]	79-00-5	Non-detect	37
Trichloroethylene	79-01-6	Non-detect	37
Trichlorofluoromethane [Trichloromonofluoromethane]	75-69-4	Non-detect	37
2,4,5-Trichlorophenol	95-95-4	Non-detect	1900
2,4,6-Trichlorophenol	88-06-2	Non-detect	1900
1,2,3-Trichloropropane	96-18-4	Non-detect	37
Vinyl Chloride	75-01-4	Non-detect	37

(a) Absence of PCBs can also be demonstrated by using appropriate screening methods, e.g., immunoassay kit for PCB in oils (Method 4020) or colorimetric analysis for PCBs in oil (Method 9079).

(b) Some minimum required detection limits are above the total halogen limit of 540 ppm. The detection limits reflect what was achieved during USEPA testing and analysis and also analytical complexity associated with measuring all halogen compounds on Appendix H of this Part at low levels. USEPA stated that it recognizes that in practice the presence of these compounds will be functionally limited by the molecular weight and the total halogen limit of 540 ppm.

(Source: Added at 22 Ill. Reg. _____, effective _____)

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Section 721.APPENDIX G Basis for Listing Hazardous Wastes

USEPA/PCPA
hazardous
waste No.

Hazardous constituents for which listed

- F001 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, carbon tetrachloride, chlorinated fluorocarbons.
- F002 Tetrachloroethylene, methylene chloride, trichloroethylene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, chlorobenzene, 1,1,2-trichloro-1,2,2-trifluoroethane, ortho-dichlorobenzene, trichlorofluoromethane.
- F003 N.A.
- F004 Cresols and cresylic acid, nitrobenzene.
- F005 Toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, 2-ethoxyethanol, benzene, 2-nitropropane.
- F006 Cadmium, hexavalent chromium, nickel, cyanide (complexed).
- F007 Cyanide (salts).
- F008 Cyanide (salts).
- F009 Cyanide (salts).
- F010 Cyanide (salts).
- F011 Cyanide (salts).
- F012 Cyanide (complexed).
- F019 Hexavalent chromium, cyanide (complexed).
- F020 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetrachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
- F021 Penta- and hexachlorodibenzo-p-dioxins; penta- and hexachlorodibenzofurans; pentachlorophenol and its derivatives.
- F022 Tetra-, penta- and hexachlorodibenzo-p-dioxins; tetra-, penta- and hexachlorodibenzofurans.
- F023 Tetra- and pentachlorodibenzo-p-dioxins; tetra- and pentachlorodibenzofurans; tri- and tetra- chlorophenols and their chlorophenoxy derivative acids, esters, ethers, amines and other salts.
- F024 Chloromethane, dichloromethane, trichloromethane, carbon tetrachloride, chloroethylene, 1,1-dichloroethane, 1,1,2-dichloroethane, trans-1,2-dichloroethylene, 1, 1,1-dichloroethylene, 1, 1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethylene, 1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane, tetrachloroethylene, pentachloroethane, hexachloroethane, allyl chloride (3-chloropropene), dichloropropane, dichloropropene, 2-chloro-1,3-butadiene, hexachloro-1,3-butadiene, hexachlorocyclopentadiene, hexachlorocyclohexane, benzene, chlorobenzene, dichlorobenzenes, 1,2,4-trichlorobenzene,

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Hazardous constituents for which listed

- F025 tetrachlorobenzenes, pentachlorobenzene, hexachlorobenzene, toluene, naphthalene.
- Chloromethane, dichloromethane, trichloromethane; carbon tetrachloride; chloroethylene; 1,1-dichloroethane; 1,2-dichloroethane; trans-1,2-dichloroethylene; 1,1-dichloroethylene; 1,1,1-trichloroethane; 1,1,2-trichloroethane; trichloroethylene; 1,1,2-tetrachloroethane; 1,1,2,2-tetrachloroethane; 1,1,2,2-tetrachloroethylene; pentachloroethane; allyl chloride (3-chloropropene); dichloropropane; dichloropropene; 2-chloro-1,3-butadiene; hexachloro-1,3-butadiene; hexachlorocyclopentadiene; benzene; chlorobenzene; dichlorobenzene; 1,2,4-trichlorobenzene; tetrachlorobenzene; pentachlorobenzene; hexachlorobenzene; toluene; naphthalene.
- F026 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans.
- F027 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
- F028 Tetra-, penta-, and hexachlorodibenzo-p-dioxins; tetra-, penta-, and hexachlorodibenzofurans; tri-, tetra-, and pentachlorophenols and their chlorophenoxy derivative acids, esters, ethers, amine and other salts.
- F032 Benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, pentachlorophenol, arsenic, chromium, tetra-, penta-, hexa-, hepta- and octachlorodibenzo-p-dioxins, tetra-, penta-, hexa-, hepta- and octachlorodibenzofurans.
- F034 Benz(a)anthracene, benzo(k)fluoranthene, benzo(a)pyrene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, naphthalene, arsenic chromium.
- F035 Arsenic, chromium and lead.
- F037 Benzene, benzo(a)pyrene, chrysene, lead, chromium.
- F038 Benzene, benzo(a)pyrene, chrysene, lead, chromium.
- F039 All constituents for which treatment standards are specified for multi-source leachate (wastewaters and non-wastewaters) under 35 Ill. Adm. Code 728. Table B (Constituent Concentrations in Waste).
- K001 Pentachlorophenol, phenol, 2-chlorophenol, p-chloro-m-cresol, 2,4-dimethylphenol, 2,4-dinitrophenol, trichlorophenols, tetrachlorophenols, 2,4-dinitrophenol, cresosote, chrysene, naphthalene, fluoranthene, benzo(b)fluoranthene, benzo(a)pyrene, indeno(1,2,3-cd)pyrene, benz(a) anthracene, dibenz(a)anthracene, acenaphthalene.
- K002 Hexavalent chromium, lead.

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USEPA/RCRA hazardous waste No.	Hazardous constituents for which listed
K003	Hexavalent chromium, lead.
K004	Hexavalent chromium.
K005	Hexavalent chromium, lead.
K006	Hexavalent chromium.
K007	Cyanide (complexed), hexavalent chromium.
K008	Hexavalent chromium.
K009	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraaldehyde, formic acid.
K010	Chloroform, formaldehyde, methylene chloride, methyl chloride, paraaldehyde, formic acid, chloroacetaldehyde.
K011	Acrylonitrile, acetonitrile, methoxybenzene, toluene, benzotrichloride.
K013	Hydrocyanic acid, acrylonitrile, acetonitrile.
K014	Acetonitrile, acrylamide.
K015	Benzyl chloride, chlorobenzene, toluene, benzotrichloride.
K016	Hexachlorobenzene, hexachlorobutadiene, carbon tetrachloride, hexachloroethane, perchloroethylene.
K017	Epichlorohydrin, chloroethers [bis(chloromethyl) ether and bis-(2-chloroethyl) ethers], trichloropropane, dichloropropanols.
K018	1,2-dichloroethane, trichloroethylene, hexachlorobutadiene, hexachlorobenzene.
K019	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane, trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K020	Ethylene dichloride, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2,2-tetrachloroethane and 1,1,1,2-tetrachloroethane, trichloroethylene, tetrachloroethylene, carbon tetrachloride, chloroform, vinyl chloride, vinylidene chloride.
K021	Antimony, carbon tetrachloride, chloroform.
K022	Phenol, tars (polycyclic aromatic hydrocarbons).
K023	Phthalic anhydride, maleic anhydride.
K024	Phthalic anhydride, 1,4-naphthoquinone.
K025	Meta-dinitrobenzene, 2,4-dinitrotoluene.
K026	Paraaldehyde, pyridines, 2-picoline.
K027	Toluene diisocyanate, toluene-2,4-diamine.
K028	1,1,1-trichloroethane, vinyl chloride.
K029	1,2-dichloroethane, 1,1,1-trichloroethane, vinyl chloride, vinylidene chloride, chloroform.
K030	Hexachlorobenzene, hexachlorobutadiene, hexachloroethane, 1,1,1,2,2-tetrachloroethane, ethylene dichloride.
K031	Arsenic.

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USEPA/RCRA hazardous waste No.	Hazardous constituents for which listed
K032	Hexachlorocyclopentadiene.
K033	Hexachlorocyclopentadiene.
K034	Hexachlorocyclopentadiene.
K035	Creosote, chrysene, naphthalene, fluoranthene, benzo(b) fluoranthene, benzo(a)-pyrene, indeno(1,2,3-cd) pyrene, benzo(a)anthracene, dibenzo(a)anthracene, acenaphthalene.
K036	Toluene, phosphorodithioic acid and phosphorothioic acid esters.
K037	Toluene, phosphorodithioic acid and phosphorothioic acid esters.
K038	Phosphate, formaldehyde, phosphorodithioic acid and phosphorothioic acid esters.
K039	Phosphorodithioic acid and phosphorothioic acid esters.
K040	Phosphate, formaldehyde, phosphorodithioic acid and phosphorothioic acid esters.
K041	Toxaphene.
K042	Hexachlorobenzene, ortho-dichlorobenzene.
K043	2,4-dichlorophenol, 2,6-dichlorophenol, 2,4,6-trichlorophenol.
K044	N.A.
K045	N.A.
K046	Lead.
K047	N.A.
K048	Hexavalent chromium, lead.
K049	Hexavalent chromium, lead.
K050	Hexavalent chromium.
K051	Hexavalent chromium, lead.
K052	Lead.
K060	Cyanide, naphthalene, phenolic compounds, arsenic.
K061	Hexavalent chromium, lead, cadmium.
K062	Hexavalent chromium, lead.
K064	Lead, cadmium.
K065	Lead, cadmium.
K066	Lead, cadmium.
K069	Hexavalent chromium, lead, cadmium.
K071	Mercury.
K073	Chloroform, carbon tetrachloride, hexachloroethane, trichloroethylene, tetrachloroethylene, 1,1,2,2-tetrachloroethane.
K083	Aniline, diphenylamine, nitrobenzene, phenylenediamine.
K084	Arsenic.
K085	Benzene, dichlorobenzenes, trichlorobenzenes, pentachlorobenzene, benzyl chloride.
K086	Lead, hexavalent chromium.
K087	Phenol, naphthalene.
K088	Cyanide (complexes).

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hazardous
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Hazardous constituents for which listed

K090	Chromium.
K091	Chromium.
K093	Phthalic anhydride, maleic anhydride.
K094	Phthalic anhydride.
K095	1,1,2-trichloroethane, 1,1,1,2-tetrachloroethane, 1,1,2,2-tetrachloroethane.
K096	1,2-dichloroethane, 1,1,1-trichloroethane, 1,1,2-trichloroethane.
K097	Chlordane, heptachlor.
K098	Toxaphene.
K099	2,4-dichlorophenol, 2,4,6-trichlorophenol.
K100	Hexavalent chromium, lead, cadmium.
K101	Arsenic.
K102	Arsenic.
K103	Aniline, nitrobenzene, phenylenediamine.
K104	Aniline, benzene, diphenylamine, nitrobenzene, phenylenediamine.
K105	Benzene, monochlorobenzene, dichlorobenzenes, 2,4,6-trichlorophenol.
K106	Mercury.
K111	2,4-Dinitrotoluene.
K112	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K113	2,4-Toluenediamine, o-toluidine, p-toluidine, aniline.
K114	2,4-Toluenediamine, o-toluidine, p-toluidine.
K115	2,4-Toluenediamine.
K116	Carbon tetrachloride, tetrachloroethylene, chloroform, phosgene.
K117	Ethylene dibromide.
K118	Ethylene dibromide.
K123	Ethylene thiourea.
K124	Ethylene thiourea.
K125	Ethylene thiourea.
K126	Ethylene thiourea.
K131	Dimethyl sulfate, methyl bromide.
K132	Methyl bromide.
K136	Ethylene dibromide.
K140	2,4,6-Tribromophenol.
K141	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.
K142	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene.

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hazardous
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Hazardous constituents for which listed

K143	Benzene, benz(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene.
K144	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene.
K145	Benzene, benz(a)anthracene, benzo(a)pyrene, dibenz(a,h) anthracene, naphthalene.
K147	Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, indeno(1,2,3-cd)pyrene.
K148	Benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, indeno(1,2,3-cd)pyrene.
K149	Benzotrichloride, benzyl chloride, chloroform, chloromethane, chlorobenzene, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, toluene.
K150	Carbon tetrachloride, chloroform, chloromethane, 1,4-dichlorobenzene, hexachlorobenzene, pentachlorobenzene, 1,2,4,5-tetrachlorobenzene, 1,1,2,2-tetrachloroethane, tetrachloroethylene, 1,2,4-trichlorobenzene.
K151	Benzene, carbon tetrachloride, chloroform, hexachlorobenzene, pentachlorobenzene, toluene, 1,2,4,5-tetrachlorobenzene, tetrachloroethylene.
K156	Benomyl, carbaryl, carbendazim, carbofuran, carbosulfan, formaldehyde, methylene chloride, triethylamine.
K157	Carbon tetrachloride, formaldehyde, methyl chloride, methylene chloride, pyridine, triethylamine.
K158	Benomyl, carbendazim, carbofuran, carbosulfan, chloroform, methylene chloride.
K159	Benzene, butylate, EPTC, molinate, pebulate, vernolate.
K161	Antimony, arsenic, metam-sodium, ziram.

N.A.--Waste is hazardous because it fails the test for the characteristic of ignitability, corrosivity or reactivity.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 721.APPENDIX H Hazardous Constituents

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
A2213	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558-43-1	U394
Acetonitrile	Same	75-05-8	U003
Acetophenone	Ethanone, 1-phenyl-	98-86-2	U004
2-Acetylaminofluorene	Acetamide, N-9H-fluoren-2-yl-	53-96-3	U005
Acetyl chloride	Same	75-36-5	U006
1-Acetyl-2-thiourea	Acetamide, N-(aminothioxomethyl)-	591-08-2	P002
Acrolein	2-Propenal	107-02-8	P003
Acrylamide	2-Propenamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	
Aldicarb	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime	116-06-3	P070
Aldicarb sulfone	Propanal, 2-methyl-2-(methylsulfonyl)-, O-[(methylamino)carbonyl]oxime	1646-88-4	P203
Aldrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-, 1,4,4a,5,8,8a-hexahydro-, 1-alpha, 4-alpha 4a-beta, 5-alpha, 8-alpha 8a-beta)-	309-00-2	P004
Allyl alcohol	2-Propen-1-ol	107-18-6	P005
Allyl chloride	1-Propene, 3-chloro-	107-18-6	
Aluminum phosphide	Same	20859-73-8	P006
4-Aminobiphenyl	[1,1'-Biphenyl]-4-amine	92-67-1	
5-(Aminomethyl)-3-isoxazolol 3(2H)-isoxazolone, 5-(aminomethyl)-	4-Pyridinamine	2763-96-4	P007
4-Aminopyridine	4-Pyridinamine	504-24-5	P008
Amtrrole	1H-1,2,4-Triazol-3-amine	61-82-5	U011
Ammonium vanadate	Vanadic acid, ammonium salt	7803-55-6	U119
Aniline	Benzenamine	62-53-3	U012
Antimony	Same	7440-36-0	

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Antimony compounds, N.O.S. (not otherwise specified)	Sulfurous acid, 2-chloroethyl-, 2-[4-(1,1-dimethylethyl)phenoxy]-1-methylethyl ester	140-57-8	
Aramite	Arsenic	7440-38-2	
Arsenic	Arsenic acid H[3]AsO[4]	7778-39-4	P010
Arsenic compounds, N.O.S.	Arsenic oxide As[2]O[5]	1303-28-2	P011
Arsenic acid	Arsenic oxide As[2]O[3]	1327-53-3	P012
Arsenic pentoxide	Benzenamine, 4,4'-carbonimidoylbis(N, N-dimethyl-	492-80-8	U014
Arsenic trioxide	L-Serine, diazoacetate (ester)	115-02-6	U015
Auramine	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	101-27-9	U280
Azaserine	Same	7440-39-3	
Barban	Same	542-62-1	P013
Barium	1,3-Benzodioxol-4-ol-2,2-dimethyl-, methyl carbamate	22781-23-3	U278
Barium compounds, N.O.S.	1,3-Benzodioxol-4-ol-2,2-dimethyl-, 6	22961-82-6	U364
Barium cyanide	Carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester	17804-35-2	U271
Bendiocarb	Same	225-51-4	U016
Bendiocarb phenol	Same	56-55-3	U018
Benomyl	Benzene, (dichloromethyl)-	98-87-3	U017
Benzenearsonic acid	Same	71-43-2	U018
Benidine	Arsenic acid, phenyl-[1,1'-Biphenyl]-4,4'-diamine	98-05-5	
Benzo[b]fluoranthene	Benzo[e]acephenanthrylene	92-87-5	U021
Benzo[j]fluoranthene	Same	205-99-2	
Benzo[k]fluoranthene	Same	205-82-3	
Benzo[a]pyrene	Same	207-08-9	
p-Benzoquinone	2,5-Cyclohexadiene-	50-32-8	U022
		106-51-4	U197

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Carbon tetrachloride	Methane, tetrachloro-	56-23-5	U211
Chloral	Acetaldehyde, trichloro-	75-87-6	U034
Chlorambucil	Benzenebutanoic acid	305-03-3	U035
Chlordane	4-[bis(2-chloroethyl)amino]-4,7-methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57-74-9	U036
Chlordane, alpha and gamma isomers			
Chlorinated benzenes, N.O.S.			
Chlorinated ethane, N.O.S.			
Chlorinated fluorocarbons, N.O.S.			
Chlorinated naphthalene, N.O.S.			
Chlorinated phenol, N.O.S.			
Chloronaphazine	Naphthalenamine, N,N'-bis(2-chloroethyl)-	494-03-1	U026
Chloroacetaldehyde	Acetaldehyde, chloro-	107-20-0	P023
Chloroalkyl ethers, N.O.S.			
p-Chloroaniline	Benzenamine, 4-chloro-	106-47-8	P024
Chlorobenzene	Benzene, chloro-	108-90-7	U037
Chlorobenzilate	Benzeneacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester	510-15-6	U038
p-Chloro-m-cresol	Phenol, 4-chloro-3-methyl-	59-50-7	U039
2-Chloroethyl vinyl ether	Ethene, (2-chloroethoxy)-	110-75-8	U042
Chloroform	Methane, trichloro-	67-66-3	U044
Chloromethyl methyl ether	Methane, chloromethoxy-	107-30-2	U046
beta-Chloronaphthalene	Naphthalene, 2-chloro-	91-58-7	U047
o-Chlorophenol	Phenol, 2-chloro-	95-57-8	U048
1-(o-Chlorophenyl) thiourea	Thiourea, (2-chlorophenyl)-	5344-82-1	P026
Chloroprene	1,3-Butadiene, 2-chloro-	126-99-8	

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Benzotrichloride	1,4-dione	98-07-7	U023
Benzyl chloride	Benzene, (trichloromethyl)-	100-44-7	P028
Beryllium powder	Benzene, (chloromethyl)-	7440-41-7	P015
Beryllium compounds, N.O.S.	Same		
Bis(pentamethylene)thiuram tetrasulfide	Piperidine, 1,1'-(tetra-thiodicarbonothioyl)-bis-	120-54-7	
Bromoacetone	2-Propanone, 1-bromo	598-31-2	P017
Bromoform	Methane, tribromo-	75-25-2	U225
4-Bromophenyl phenyl ether	Benzene, 101-55-3		U030
Brucine	1-bromo-4-phenoxy-strychnidin-10-one, 2,3-dimethoxy-	357-57-3	P018
Butylate	Carbamothioic acid, bis-(2-methylpropyl)-, S-ethyl ester	2008-41-5	
Butyl benzyl phthalate	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	85-68-7	
Cacodylic acid	Arsenic acid, dimethyl-	75-60-5	U136
Cadmium	Same	7440-43-9	
Cadmium compounds, N.O.S.			
Calcium chromate	Chromic acid H[2]CrO[4], calcium salt	13765-19-0	U032
Calcium cyanide	Calcium cyanide Ca(CN)[2]	592-01-8	P021
Carbaryl	1-Naphthalenol, methyl-carbamate	63-25-2	U279
Carbendazim	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	10605-21-7	U372
Carbofuran	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	1563-66-2	P127
Carbofuran phenol	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	1563-38-8	U367
Carbosulfan	Carbamic acid, [(dibutylamino)thio] methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	55285-14-8	P189
Carbon disulfide	Same	75-15-0	P022
Carbon oxyfluoride	Carbonic difluoride	353-50-4	U033

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
3-Chloropropionitrile	Propanenitrile, 3-chloro-	542-76-7	P027
Chromium compounds, N.O.S.	Same	7440-47-3	
Chrysene	Same	218-01-9	U050
Citrus red No. 2	2-Naphthalenol, 1-[(2, 5-dimethoxyphenyl)azo]-	6358-53-8	
Coal tar creosote	Same	8007-45-2	
Copper cyanide	Copper cyanide CuCN	544-92-3	P029
Copper dimethyldithiocarbamate	Copper, bis(dimethyl-carbamodithioato-S,S')-, Same	137-29-1	
Creosote	Same		U051
Cresols (Cresylic acid)	Phenol, methyl-	1319-77-3	U052
Crotonaldehyde	2-Butenal	4170-30-3	U053
m-Cumenyl methylcarbamate	Phenol, 3-(methylethyl)-, methyl carbamate	64-00-6	P202
Cyanides (soluble salts and complexes), N.O.S.			P030
Cyanogen	Ethanedinitrile	460-19-5	P031
Cyanogen bromide	Cyanogen bromide (CN)Br	506-68-3	U246
Cyanogen chloride	Cyanogen chloride (CN)Cl	506-77-4	P033
Cycasin	Beta-D-glucopyranoside, (methyl-ONN-azoxy)methyl-	14901-08-7	
Cycloate	Carbamothioic acid, cyclohexylethyl-, S-ethyl ester	1134-23-2	
2-Cyclohexyl-4, 6-dinitrophenol	Phenol, 2-cyclohexyl-4, 6-dinitro-	131-89-5	P034
Cyclophosphamide	2H-1, 3, 2-Oxaphosphorin-2-amine, N, N-bis(2-chloroethyl) tetrahydro-, 2-oxide	50-18-0	U058
2, 4-D	Acetic acid, (2,4-dichlorophenoxy)-	94-75-7	U240
2, 4-D, salts and esters	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters		U240
Daunomycin	5, 12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy-alpha-L-lyxo-	20830-81-3	U059

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Dazomet	hexopyranosyl oxy]-7, 8, 9, 10-tetrahydro-6, 8, 11-trihydroxy-1-methoxy-, 8S-cis)-2H-1, 3, 5-thiadiazine-2-thione, tetrahydro-3, 5-dimethyl	533-74-4	
DDD	Benzene, 1,1'-(2,2-dichloroethylidene) bis[4-chloro-	72-54-8	U060
DDE	Benzene, 1,1'-(dichloroethenylidene) bis[4-chloro-	72-55-9	
DDT	Benzene, 1,1'-(2, 2, 2-trichloroethylidene) bis[4-chloro-	50-29-3	U061
Diallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2, 3-dichloro-2-propenyl) ester	2303-16-4	U062
Dibenz[a,h]acridine	Same	226-36-8	
Dibenz[a,j]acridine	Same	224-42-0	
Dibenz[a,h]anthracene	Same	53-70-3	U063
7H-Dibenzo[c,g]carbazole	Same	194-59-2	
Dibenzo[a,e]pyrene	Naphtho[1,2,3,4-def]chrysene	192-65-4	
Dibenzo[a,h]pyrene	Dibenzo[b,def]chrysene	189-64-0	U064
Dibenzo[a,i]pyrene	Benzo[1,2,3,4-cd]perylene	189-55-9	U066
1,2-Dibromo-3-chloropropane	Propane, 1,2-dibromo-3-chloro-	96-12-8	
Dibutyl phthalate	1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	U069
o-Dichlorobenzene	Benzene, 1,2-dichloro-	95-50-1	U070
m-Dichlorobenzene	Benzene, 1,3-dichloro-	541-73-1	U071
p-Dichlorobenzene	Benzene, 1,4-dichloro-	106-46-7	U072
Dichlorobenzene, N.O.S.	Benzene, dichloro-, [1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-	25321-22-6	U073
1,4-Dichloro-2-butene	2-Butene, 1,4-dichloro-	91-94-1	
Dichlorodifluoromethane	Methane, dichlorodifluoro-	764-41-0	U074
Dichloroethylene, N.O.S.	Dichloroethylene	75-71-8	U075
		25323-30-2	

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
1,1-Dichloroethylene	Ethene, 1,1-dichloro-	75-35-4	U078
1,2-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079
Dichloroethyl ether	Ethane, 1,1'-oxybis[2-chloro-]	111-44-4	U025
Dichloroisopropyl ether	propane, 1,1'-oxybis[2-chloro-]	108-60-1	U027
Dichloromethoxyethane	Ethane, 2,2'-oxybis[2-chloro-]	111-91-1	U024
	1,1'-[methylenebis(oxy)bis- [2-chloro-]		
Dichloromethyl ether	Methane, oxybis(chloro-	542-88-1	P016
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	120-83-2	U081
2,6-Dichlorophenol	Phenol, 2,6-dichloro-	87-65-0	U082
Dichlorophenyl-arsine	Arsinous dichloride, phenyl-	696-28-6	P036
Dichloropropane, N.O.S.	Propane, dichloro-	26638-19-7	
Dichloropropanol, N.O.S.	Propanol, dichloro-	26545-73-3	
Dichloropropene, N.O.S.	1-Propene, dichloro-	26952-23-8	
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	542-75-6	U084
Dieldrin	2,7:3,6-Dimethanonaphth [2,3-b]oxirene, 3,4, 5,6,9,9-hexachloro-1a, 2,2a,3,6,6a,7,7a-octahydro-, (1a,1a, 2 beta, 2a, 3 alpha, 3 beta, 6 beta, 6a alpha, 7 beta, 7a alpha)-	60-57-1	P037
1,2:3,4-Diepoxybutane	2,2'-Bioxirane	1464-53-5	U085
Diethylarsine	Arsine, diethyl-	692-42-2	P038
Diethylene glycol, dicarbamate	Ethanol, 2,2'-oxybis-, dicarbamate	5952-26-1	U395
1,4-Diethyleneoxide	1,4-Dioxane	123-91-1	U108
Diethylhexyl phthalate	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117-81-7	U028
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl-	1615-80-1	U086
O,O-Diethyl S-methyl dithiophosphate	Phosphorodithioic acid, O,O-diethyl	3288-58-2	U087

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Diethyl-p-nitrophenyl phosphate	S-methyl ester-Phosphoric acid, diethyl 4-nitrophenyl ester	311-45-5	P041
Diethyl phthalate	1,2-Benzenedicarboxylic acid, diethyl ester-Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester	84-66-2	U088
O,O-Diethyl O-pyrazinyl phosphorothioate	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-	297-97-2	P040
Diethylstilbestrol	1,3-Benzodioxole, 5-propyl-Phosphorofluoridic acid, bis(1-methylethyl) ester	56-53-1	U089
Dihydrosofrole	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl] ester	94-58-6	U090
Disopropyl fluorophosphate (DFF)	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester	55-91-4	P043
Dimethoate	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-N,N-dimethyl-4-(phenylazo)-Benz[a]anthracene, 7,12-dimethyl-dimethyl-	60-51-5	P044
Dimetilan	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-N,N-dimethyl-4-(phenylazo)-Benz[a]anthracene, 7,12-dimethyl-dimethyl-	644-64-4	P191
3,3'-Dimethoxy benzidine	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester	119-90-4	U091
p-Dimethylamino azobenzene	dimethoxy-N,N-dimethyl-4-(phenylazo)-Benz[a]anthracene, 7,12-dimethyl-dimethyl-	60-11-7	U093
7,12-Dimethylbenz[a]anthracene	Carbamic chloride, dimethyl-	57-97-6	U094
3,3'-Dimethyl benzidine	Hydrazine, 1,1-dimethyl-Hydrazine, 1,2-dimethyl-alpha, alpha-Dimethylphenethylamine	119-93-7	U095
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	79-44-7	U097
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-Hydrazine, 1,2-dimethyl-alpha, alpha-Dimethylphenethylamine	57-14-7	U098
1,2-Dimethylhydrazine	Hydrazine, 1,2-dimethyl-alpha, alpha-Dimethylphenethylamine	540-73-8	U099
alpha, alpha-Dimethylphenethylamine	Hydrazine, 1,2-dimethyl-alpha, alpha-Dimethylphenethylamine	122-09-8	P046
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-	105-67-9	U101
Dimethylphthalate	1,2-Benzenedicarboxylic acid, dimethyl-	131-11-3	U102

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Dimethyl sulfate	acid, dimethyl ester	77-78-1	U103
2,4-Dinitrophenol	Sulfuric acid, dimethyl ester		
Dinitrobenzene, N.O.S.	Benzene, dinitro-	25154-54-5	P047
4,6-Dinitro-o-cresol	Phenol, 2-methyl-4, 6-dinitro-	534-52-1	P047
4,6-Dinitro-o-cresol salts			
2,4-Dinitrotoluene	Phenol, 2,4-dinitro-	51-28-5	P048
2,6-Dinitrotoluene	Benzene, 1-methyl-2,4 -dinitro-	121-14-2	U105
Dinoseb	Benzene, 2-methyl-1,3-dinitro-	606-20-2	U106
Di-n-octyl phthalate	Phenol, 2-(1-methylpropyl)	88-85-7	P020
Diphenylamine	1,4,6-dinitro-2,4-dinitrobenzenedicarboxylic acid, diethyl ester	117-84-0	U107
1,2-Diphenylhydrazine	Benzene, N-phenyl-	122-39-4	
Di-n-propyl nitrosamine	Hydrazine, 1,2-diphenyl	122-66-7	U109
Disulfiram	1-Propanamine, N-nitroso-N-propyl-	621-64-7	U111
Disulfoton	Thioperoxydicarbonic diamide, tetraethyl phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester	97-77-8	
Dithiobiuret	Thioimidodicarbonic diamide [(H[2]N)C(S)][2]NH	298-04-4	P039
Endosulfan	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9, 10,10-hexachloro-1, 5, 5a,6,9,9a-hexahydro-, 3-oxide,	541-53-7	P049
Endothal	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	115-29-7	P050
Endrin	2,7:3,6-Dimethanonaphth[2,3-b]oxirane, 3,4,5,6,9, 9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a alpha, 2 beta, 2a beta, 3 alpha, 6 alpha, 6a	145-73-3	P088
		72-20-8	P051

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Endrin metabolites	beta, 7 beta, 7a alpha)-, Oxirane, (chloromethyl)-1,2-Benzenediol, 4-[1-hydroxy-2-(methyldimino)ethyl]-, (R)-Carbamothioic acid, dipropyl-, S-ethyl ester		P051
Epichlorohydrin	Carbamic acid, ethyl ester	106-89-8	U041
Epinephrine	Propanenitrile	51-43-4	P042
EPTC	Carbamodithioc acid, -1,2-ethanedithiolbis-	759-94-4	
Ethyl carbamate (urethane)	Ethane, 1,2-dibromo-	51-79-6	U238
Ethylenebisdithiocarbamic acid, salts and esters	Ethane, 1,2-dichloro-		
Ethylene dichloride	Ethanol, 2-ethoxy-	107-06-2	U067
Ethylene glycol monoethyl ether		110-80-5	U359
Ethyleneimine	Aziridine	151-56-4	P054
Ethylene oxide	Oxirane	75-21-8	U115
Ethyleneurea	2-Imidazolidinethione	96-45-7	U116
Ethylidene dichloride	Ethane, 1,1-dichloro-	75-34-3	U076
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2	U118
Ethyl methanesulfonate	Methanesulfonic acid, ethyl ester	62-50-0	U119
Ethyl Ziram	Zinc, bis(diethylcarbamodithioato-S,S')-	14324-55-1	U407
Famphur	Phosphorothioic acid, O-[4-(dimethylamino)sulfonyl]phenyl	52-85-7	P097
Perbam	O,O-dimethyl ester Iron, tris(dimethylcarbamodithioato-S,S')-, Same		
Fluoranthene		14484-64-1	
Fluorine	Same	206-44-0	U120
Fluoroacetamide	Acetamide, 2-fluoro-	7782-41-4	P056
Fluoroacetic acid, sodium salt	Acetic acid, fluoro-, sodium salt	640-19-7	P057
Formaldehyde	Same	62-74-8	P058
		50-00-0	U122

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Formetanate hydrochloride	Methanimidamide, N,N'-dimethyl-N'-[3-((methylamino)carbonyl)-oxy]phenyl]-, monohydrochloride	23422-53-9	P198
Formic acid	Same	64-18-16	U123
Formparanate	Methanimidamide, N,N'-dimethyl-N'-[2-methyl-4-((methylamino)-carbonyl)oxy]phenyl]-	17702-57-7	P197
Glycidylaldehyde	Oxitanecarboxaldehyde	765-34-4	U126
Halomethanes, N.O.S.	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a	76-44-8	P059
Heptachlor	4,7,7a-tetrahydro-2,5-Methano-2H-indeno [1,2b]oxirene, 2,3,4,5,6,7,7-heptachloro-1a, 1b,5,5a,6,6a-hexahydro-, (1a alpha, 1b beta, 2 alpha, 5 alpha, 5a beta, 6 beta, 6aalpha)-	1024-57-3	
Heptachlor epoxide			
Heptachlor epoxide (alpha, beta, and gamma isomers)			
Heptachlorodibenzofurans			
Heptachlorodibenzo-p-dioxins			
Hexachlorobenzene	Benzene, hexachloro-	118-74-1	U127
Hexachlorobutadiene	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	87-68-3	U128
Hexachlorocyclopentadiene	1,3-Cyclopentadiene, 1,2,3,4,5-hexachloro-	77-47-4	U130
Hexachlorodibenzo-p-dioxins			
Hexachlorodibenzofurans			
Hexachloroethane	Ethane, hexachloro-	67-72-1	U131
Hexachlorophene	Phenol, 2,2'-methylene-bis [3,4,6-trichloro-1-Propene, 1,1,2,3,3,3-hexachloro-	70-30-4	U132
Hexachloropropene		1888-71-7	U243

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Hexaethyltetraphosphate	Tetraphosphoric acid, hexaethyl ester	757-58-4	P062
Hydrazine	Same	302-01-2	U133
Hydrogen cyanide	Hydrocyanic acid	74-90-8	P063
Hydrogen fluoride	Hydrofluoric acid	7664-39-3	U134
Hydrogen sulfide	Hydrogen sulfide H ₂ S	7783-06-4	U135
Indeno[1,2,3-cd]pyrene	Same	193-39-5	U137
3-Iodo-2-propynyl-n-butylcarbamate	Carbamic acid, butyl-, 3-iodo-2-propynyl ester	55406-53-6	
Isobutyl alcohol	1-Propanol, 2-methyl-	78-83-1	U140
Isodrin	1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 alpha, 4 alpha, 4a beta, 5 beta, 8 beta, 8a beta)-,	465-73-6	P060
Isolan	Carbamic acid, dimethyl-, 3-methyl-1-(1-methyl-ethyl)-1H-pyrazol-5-yl ester	119-38-0	P192
Isosafrole	1,3-Benzodioxole, 5-(1-propenyl)-	120-58-1	U141
Kepone	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-, 2-Butenoic acid, 2 methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrrolizin-1-yl ester, [1S-[1-alpha(2), 7(2S*, 3R*), 7a alpha]]-Same	143-50-0	U142
Lasiocarpine		303-34-1	U143
Lead			
Lead and compounds, N.O.S.			
Lead acetate	Acetic acid, lead (2+) salt	7439-92-1	U144
Lead phosphate	Phosphoric acid, lead (2+) salt (2:3)	301-04-2	U145
Lead subacetate	Lead, bis(acetato-O) tetrahydroxytri-	7446-27-7	U146
		1335-32-6	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
beta-Naphthylamine	2-Naphthalenamine	91-59-8	U168
alpha-Naphthyl thiourea	Thiourea, 1-naphthalenyl-	86-88-4	P072
Nickel	Same	7440-02-0	
Nickel compounds, N.O.S.			
Nickel carbonyl	Nickel carbonyl	13463-39-3	P073
Nickel cyanide	Nickel cyanide	557-19-7	P074
Nicotine	Ni(CN) ₂	54-11-5	P075
Nicotine salts	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-		P075
Nitric oxide	Nitrogen oxide NO	10102-43-9	P076
p-Nitroaniline	Benzenamine, 4-nitro	100-01-6	P077
Nitrobenzene	Benzene, nitro	98-95-3	P078
Nitrogen dioxide	Nitrogen oxide NO ₂	10102-44-0	P078
Nitrogen mustard	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-	51-75-2	
Nitrogen mustard, hydrochloride salt			
Nitrogen mustard N-oxide	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide	126-85-2	
Nitrogen mustard, N-oxide, hydrochloride salt			
Nitroglycerin	1,2,3-Propanetriol, trinitrate	55-63-0	P081
p-Nitrophenol	Phenol, 4-nitro	100-02-7	U170
2-Nitropropane	Propane, 2-nitro	79-46-9	U171
Nitrosamines, N.O.S.		35576-91-1	
N-Nitrosodi-n-butylamine	1-Butanamine, N-butyl-N-butyl-N-nitroso-	924-16-3	U172
N-Nitrosodiethanolamine	Ethanol, 2,2'-(nitrosoimino)bis-	1116-54-7	U173
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso-	55-18-5	U174
N-Nitrosodimethylamine	Methanamine, N-methyl-N-nitroso-	62-75-9	P082
N-Nitroso-N-ethylurea	Urea, N-ethyl-N-nitroso-	759-73-9	U176
N-Nitrosomethylethylamine	Ethanamine, N-methyl-N-nitroso-	10595-95-6	
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-	684-93-5	U177

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
N-Nitroso-N-methylurethane	Carbamic acid, methyl nitroso-, ethyl ester	615-53-2	U178
N-Nitrosomethylvinylamine	Vinylamine, N-methyl-N-nitroso-	4549-40-0	P084
N-Nitrosomorpholine	Morpholine, 4-nitroso	59-89-2	
N-Nitrosornicotine	Pyridine, 3-(1-nitroso-2-pyrrolidinyl)-, (S)-	16543-55-8	
N-Nitrosopiperidine	Piperidine, 1-nitroso-	100-75-4	U179
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-	930-55-2	U180
N-Nitrososarcosine	Glycine, N-methyl-N-nitroso-	13256-22-9	
5-Nitro-O-toluidine	Benzenamine, 2-methyl-5-nitro-	99-55-8	U181
Octamethyl pyrophosphoramide	Diphosphoramide, octamethyl-	152-16-9	P085
Osmium tetroxide	Osmium oxide OsO ₄ , (T-4)	20816-12-0	P087
Oxamyl	Ethanimidothioic acid, 2-(dimethylamino)-N-[[[(methyl-amino)carbonyl]-oxy]-2-oxo-, methyl ester	23135-22-0	P194
Paraldehyde	1,3,5-Trioxane, 2,4,6-trimethyl	123-63-7	U182
Parathion	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester	56-38-2	P089
Pebulate	Carbamothioic acid, butyl-ethyl-, S-propyl ester	1114-71-2	
Pentachlorobenzene	Benzene, pentachloro-	608-93-5	U183
Pentachlorodibenzo-p-dioxins			
Pentachlorodibenzofurans			
Pentachloroethane	Ethane, pentachloro-	76-01-7	U184
Pentachloronitrobenzene (PCNB)	Benzene, pentachloro-nitro-	82-68-8	U185
Pentachlorophenol	Phenol, pentachloro-	87-86-5	See P027
Phenacetin	Acetamide, N-(4-ethoxyphenyl)-	62-44-2	U187
Phenol	Same	108-95-2	U188
Phenylenediamine	Benzenediamine	25265-76-3	
Phenylmercury acetate	Mercury, (acetato-	62-38-4	P092

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NOTICE OF PROPOSED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Selenourea	Same	630-10-4	P103	Tetrachloroethylene	127-18-4	U210
Silver	Same	7440-22-4		Phenol, 2,3,4,6-tetra-chloro-	58-90-2	See F027
Silver compounds, N.O.S.				Same	53535276	None
Silver cyanide	Silver cyanide AgCN	506-64-9	P104	Same	25567559	None
Silvex (2,4,5-TP)	propanoic acid, 2-(2,4,5-trichlorophenoxy)-	93-72-1	See F027	Same		
Sodium cyanide	Sodium cyanide NaCN	143-33-9	P106	Tetraethyldithio-	3689-24-5	P109
Sodium dibutylidithiocarbamate	Carbamodithioic acid, dibutyl-, sodium salt	136-30-1		pyrophosphate	78-00-2	P110
Sodium diethyldithiocarbamate	Carbamodithioic acid, diethyl-, sodium salt	148-18-5		Tetraethyl lead	107-49-3	P111
Sodium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl-, sodium salt	128-04-1		phosphate	509-14-8	P112
Sodium pentachlorophenate	Carbamodithioic acid, pentachlorophenol, sodium salt	131522	None	Thallium	7440-28-0	
Streptozotocin	D-Glucose, 2-deoxy-2-[[[(methylnitrosoamino) carbonyl]amino]-	18883-66-4	U206	Thallium compounds		P113
Strychnine	Strychnidin-10-one	57-24-9	P108	Thallium oxide	1314-32-5	
Sulfallate	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester	95-06-7		Thallium (I) acetate	563-68-8	U214
TCDD	Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	1746-01-6		Thallium (I) carbonate	6533-73-9	U215
Tetrabutylthiuram disulfide	Thioperoxydicarbonic diamide, tetrabutyl	1634-02-2		Thallium (I) chloride	7791-12-0	U216
Tetramethylthiuram monosulfide	Bis(dimethylthiocarbamoyl) sulfide	97-74-5		Thallium (I) nitrate	10102-45-1	U217
1,1,2,4,5-Tetra-chlorobenzene	Benzene, 1,2,4,5-tetrachloro-	95-94-3	U207	Thallium selenite	12039-52-0	P114
Tetrachlorodibenzo-p-dioxins				Thallium (I) sulfate	7446-18-6	P115
Tetrachlorodibenzo-furans				Thioacetamide	62-55-5	U218
Tetrachloroethane, N.O.S.	Ethane, tetrachloro-, N.O.S.	25322-20-7		Thiodicarb	59669-26-0	U410
1,1,1,2-Tetra-chloroethane	Ethane, 1,1,1,2-tetrachloro-	630-20-6	U208			
1,1,2,2-Tetra-chloroethane	Ethane, 1,1,2,2-tetrachloro-	79-34-5	U209	Thiofanox	39196-18-4	P045
				Thiophanate-methyl	23564-05-8	U409
				Thiomethanol	74-93-1	U153

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Tetrachloroethylene	Ethane, tetrachloro-	127-18-4	U210
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetra-chloro-	58-90-2	See F027
2,3,4,6-Tetrachlorophenol, potassium salt	Same	53535276	None
2,3,4,6-Tetrachlorophenol, sodium salt	Same	25567559	None
Tetraethyldithio-pyrophosphate	Thiodiphosphoric acid, tetraethyl ester	3689-24-5	P109
Tetraethyl lead	Plumbane, tetraethyl	78-00-2	P110
Tetraethylpyrophosphate	Diphosphoric acid, tetraethyl ester	107-49-3	P111
Tetranitromethane	Methane, tetranitro-	509-14-8	P112
Thallium	Same	7440-28-0	
Thallium compounds			
Thallium oxide	Thallium oxide Ti[2O][3]	1314-32-5	P113
Thallium (I) acetate	Acetic acid, thallium (1+) salt	563-68-8	U214
Thallium (I) carbonate	Carbonic acid, dithallium (1+) salt	6533-73-9	U215
Thallium (I) chloride	Thallium chloride	7791-12-0	U216
Thallium (I) nitrate	Thallium chloride		
Thallium selenite	Nitric acid, thallium (1+) salt	10102-45-1	U217
Thallium (I) sulfate	Selenious acid, dithallium (1+) salt	12039-52-0	P114
Thioacetamide	Sulfuric acid, dithallium (1+) salt	7446-18-6	P115
Thiodicarb	Ethanethioamide	62-55-5	U218
	Ethanethioamide N,N'-[thiobis[(methyl-imino)carbonyloxy]]-bis-, dimethyl ester	59669-26-0	U410
Thiofanox	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino) carbonyl]oxime	39196-18-4	P045
Thiophanate-methyl	Carbamic acid, [1,2-phenylenebis(imino-carbonothioyl)]-bis-, dimethyl ester	23564-05-8	U409
Thiomethanol	Methanethiol	74-93-1	U153

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
Thiophenol	Benzenethiol	108-98-5	P014
Thiosemicarbazide	Hydrazinecarbothioamide	79-19-6	P116
Thiourea	Same	62-56-6	P219
Thiram	Thioperoxydicarbonic diamide [(H ₂ N)C(S)] ₂	137-26-8	U244
Tirpate	S[2], tetramethyl-1,3-dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)carbonyl] oxime	26419-73-8	P185
Toluene	Benzene, methyl-	108-88-3	U220
Toluenediamine	Benzenediamine, ar-methyl-	25376-45-8	U221
Toluene-2,4-diamine	1,3-Benzenediamine, 4-methyl-	95-80-7	
Toluene-2,6-diamine	1,3-Benzenediamine, 2-methyl-	823-40-5	
Toluene-3,4-diamine	1,2-Benzenediamine, 4-methyl-	496-72-0	
Toluene diisocyanate	Benzene, 1,3-diisocyanatomethyl-	26471-62-5	U223
O-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
O-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353
Toxaphene	Same	8001-35-2	P123
Triallate	Carbamothioic acid, bis-(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303-17-5	U389
2,4,6-Tribromophenol	Tribromophenol, 2,4,6	118-79-6	U408
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-	120-82-1	
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5	U227
Trichloroethylene	Ethene, trichloro-	79-01-6	U228
Trichloromethanethiol	Methanethiol, trichloro-	75-70-7	P118
Trichloromonofluoromethane	Methane, trichlorofluoro-	75-69-4	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4	See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2	See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	See F027
Trichloropropane,		25735-29-9	

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NOTICE OF PROPOSED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
N.O.S.			
1,2,3-Trichloropropane	Propane, 1,2,3-trichloro	96-18-4	
Triethylamine	Ethanamine, N,N-diethyl-	121-44-8	U404
O,O,O-Triethylphosphorothioate	Phosphorothioic acid, O,O,O-triethyl ester	126-68-1	
1,3,5-Trinitrobenzene	Benzene, 1,3,5-trinitro-	99-35-4	U234
Tris(1-aziridinyl) phosphine sulfide	Aziridine, 1,1',1''-phosphinothioylidynetris-	52-24-4	
Tris(2,3-dibromopropyl) phosphate	1-Propanol, 2,3-dibromo-, phosphate (3:1)	126-72-7	U235
Trypan blue	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl[1,1'-biphenyl]-4,4'-diyl)bis(azo)]bis[5-amino-4-hydroxy]-, tetrasodium salt	72-57-1	U236
Uracil mustard	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-	66-75-1	U237
Vanadium pentoxide	Vanadium oxide V[2]O[5]	1314-62-1	P120
Vernolate	Carbamothioic acid, dipropyl-, S-propyl ester	1929-77-7	
Vinyl chloride	Ethene, chloro	75-01-4	U043
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3 percent	81-81-2	U248
Warfarin	(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3 percent	81-81-2	P001
Warfarin salts, when present at concentrations less than 0.3 percent	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3 percent		U248
Warfarin salts, when present at concentrations less than 0.3 percent			P001

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number (CAS No.)	USEPA Hazardous Waste Number
greater than 0.3 percent zinc cyanide	Zinc cyanide Zn(CN)[2]	557-21-1	P121
zinc phosphide	Zinc phosphide P[2]Zn[3], when present at concentrations greater than 10 percent	1314-84-7	P122
zinc phosphide	Zinc phosphide P[2]Zn[3], when present at concentrations of 10 percent or less	1314-84-7	U249
Ziram	Zinc, bis(dimethylcarbamodithioato-S,S')-(T-4)-	137-30-4	P205

Note: The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this Section.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

Section 721.APPENDIX Z Table to Section 721.102

Table

	*1	*2	*3	*4
			Reclamation (except as provided in Burning for 261.4(a)(15) energy for mineral	
Use recovery or processing constituting use to produce second disposala fuel materials) accumu				
Applicable Subsection of Section 721.102:	(c)(1)	(c)(2)	(c)(3)	(c)(4)
Spent materials	Yes	Yes	Yes	Yes
Sludges (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
Sludges exhibiting a characteristic of hazardous waste	Yes	Yes	No	Yes
			--	--
			--	--
By-products (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
By-products exhibiting a characteristic of hazardous waste	Yes	Yes	No	Yes
			--	--
Commercial chemical products listed in Section 721.133	Yes	Yes	No	No
			--	--
Scrap metal other than excluded scrap metal (see Section 721.101(c)(9))	Yes	Yes	Yes	Yes
Yes - Defined as a solid waste				
No - Not defined as a solid waste				

*1-- Use-constituting-disposal-(Section-721.102(c)(1))

*2-- Burning--for--energy--recovery--or--use--to--produce--a--fuel--(Section

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721-i02(c)(2)

*3-- Reclamation-(Section-721-i02(c)(3))

*4-- Speculative-accumulation-(Section-721-i02(c)(4))

BOARD NOTE: Derived from Table 1 to 40 CFR 261.2(c)(4) (1997), as amended at 63 Fed. Reg. 28636 (May 26, 1998). The terms "spent materials", "sludges", "by products", "scrap metal", and "processed scrap metal" are defined in Section 721.101.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) Code Citation: 35 Ill. Adm. Code 725

3) Section Numbers: Proposed Action:

725.115 Amended
725.173 Amended
725.930 Amended
725.933 Amended
725.950 Amended
725.960 Amended
725.962 Amended
725.964 Amended
725.980 Amended
725.981 Amended
725.982 Amended
725.983 Amended
725.984 Amended
725.985 Amended
725.986 Amended
725.987 Amended
725.988 Amended
725.990 Amended
725.Appendix F Amended

4) Statutory Authority: 415 ILCS 5/22.4 and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 17, 1998, proposing amendments in consolidated dockets R98-21/R99-2/R99-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

R98-21

Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.

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NOTICE OF PROPOSED AMENDMENTS

R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.

R99-7 Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

62 Fed. Reg. 37699 (July 14, 1997) USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.

62 Fed. Reg. 45568 (August 28, 1997) USEPA issued a second emergency extension of the alternative treatment standards for carbamate wastes for one year, until August 26, 1998.

62 Fed. Reg. 64503 (December 5, 1997) USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656 (December 8, 1997) USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503 (April 15, 1998) USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

63 Fed. Reg. 24595 (May 4, 1998) USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963 (May 6, 1998) USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

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63 Fed. Reg. 28555 (May 26, 1998) USEPA adopted "Phase IV" land disposal restrictions.

63 Fed. Reg. 33781 (June 19, 1998) USEPA partially adopted the hazardous waste combustion rules.
63 Fed. Reg. 35147 (June 29, 1998) USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

Board has already taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997, in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997, federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

63 Fed. Reg. 42580 (August 10, 1998) USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331 (August 31, 1998) Technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 48124 (September 9, 1998) USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394 (September 15, 1997) USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

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NOTICE OF PROPOSED AMENDMENTS

- 63 Fed. Reg. 38756 (July 20, 1998) USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.
- 63 Fed. Reg. 44146 (August 18, 1998) USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

- 62 Fed. Reg. 48394 (September 15, 1997) Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.
- 62 Fed. Reg. 64503 (December 5, 1997) Clarification of when a treatment variance is available.

- 62 Fed. Reg. 64656 (December 8, 1997) Clarifying and corrective amendments to the Subpart CC rules.

- 63 Fed. Reg. 18503 (April 15, 1998) Pulp and paper industry sector standards.

- 63 Fed. Reg. 24595 (May 4, 1998) Organobromine chemicals waste rules.

- 63 Fed. Reg. 24963 (May 6, 1998) Used oil mixtures rules for PCB-contaminated oils.

- 63 Fed. Reg. 28555 (May 26, 1998) "Phase IV" land disposal restrictions.

- 63 Fed. Reg. 33781 (June 19, 1998) Hazardous waste combustion rules.

- 63 Fed. Reg. 35147 (June 29, 1998) Technical amendments to the organobromine waste rules.

- 63 Fed. Reg. 38756 (July 20, 1998) Correction to 40 C.F.R. 136.3(e), table.

- 63 Fed. Reg. 42580 (August 10, 1998) Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.

- 63 Fed. Reg. 44146 (August 18, 1998) Correction to 40 C.F.R. 136.3(e), table.

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- 63 Fed. Reg. 46331 (August 31, 1998) Technical amendments to the organobromine waste rules.

- 63 Fed. Reg. 48124 (September 9, 1998) Extension of the Phase IV LDR compliance deadline.

Specifically, the amendments to Part 725 include major segments of the federal December 8, 1997, Subpart CC amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? Yes. The existing text of Part 725 includes a number of documents incorporated by reference. Some of those incorporations are amended by the present amendments at Sections 725.964, 725.984, and 725.987.

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of statewide policy objectives: This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R98-21/R99-2/R99-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman at

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312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

13) Regulatory Agenda on which this rulemaking was summarized: January and July 1998

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
725.101
725.104

Purpose, Scope and Applicability
Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

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725.114
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725.119

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Required Notices
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Security
General Inspection Requirements
Personnel Training
General Requirements for Ignitable, Reactive, or Incompatible Wastes
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Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

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Maintenance and Operation of Facility
Required Equipment
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SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
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Applicability
Purpose and Implementation of Contingency Plan
Content of Contingency Plan
Copies of Contingency Plan

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725.154 Amendment of Contingency Plan
 725.155 Emergency Coordinator
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SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section
 725.170 Applicability
 725.171 Use of Manifest System
 725.172 Manifest Discrepancies
 725.173 Operating Record
 725.174 Availability, Retention and Disposition of Records
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 725.176 Unmanifested Waste Report
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SUBPART F: GROUNDWATER MONITORING

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 725.190 Applicability
 725.191 Groundwater Monitoring System
 725.192 Sampling and Analysis
 725.193 Preparation, Evaluation and Response
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SUBPART G: CLOSURE AND POST-CLOSURE

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 725.211 Closure Performance Standard
 725.212 Closure Plan; Amendment of Plan
 725.213 Closure; Time Allowed for Closure
 725.214 Disposal or Decontamination of Equipment, Structures and Soils
 725.215 Certification of Closure
 725.216 Survey Plat
 725.217 Post-closure Care and Use of Property
 725.218 Post-closure Plan; Amendment of Plan
 725.219 Post-closure Notices
 725.220 Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

Section
 725.240 Applicability
 725.241 Definitions of Terms as Used in this Subpart
 725.242 Cost Estimate for Closure
 725.243 Financial Assurance for Closure
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725.245 Financial Assurance for Post-closure Monitoring and Maintenance
 725.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
 725.247 Liability Requirements
 725.248 Incapacity of Owners or Operators, Guarantors or Financial Institutions
 725.251 Promulgation of Forms (Repealed)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

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 725.271 Condition of Containers
 725.272 Compatibility of Waste with Container
 725.273 Management of Containers
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 725.291 Assessment of Existing Tank System's Integrity
 725.292 Design and Installation of New Tank Systems or Components
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 725.296 Response to leaks or spills and disposition of Tank Systems
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725.329 Special Requirements for Ignitable or Reactive Waste
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SUBPART L: WASTE PILES

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 725.351 Protection from Wind
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SUBPART O: INCINERATORS

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 725.440 Applicability
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 725.445 General Operating Requirements
 725.447 Monitoring and Inspection
 725.451 Closure
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SUBPART P: THERMAL TREATMENT

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 725.502 Waste Analysis and Trial Tests
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SUBPART W: DRIP PADS

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 725.540 Applicability
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 725.542 Design and installation of new drip pads
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Standards: Closed-vent Systems and Control Devices
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Standards: Delay of Repair
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Schedule for Implementation of Air Emission Standards
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APPENDIX D Tests for Significance

APPENDIX E Examples of Potentially Incompatible Waste

APPENDIX F Compounds With Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. _____, effective _____; amended in R98-21/R99-2/R99-7 at 22 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as

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used in mathematics.

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.115 General Inspection Requirements

- a) The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors and discharges that may be causing -- or may lead to -- the conditions listed below. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.
- 1) Release of hazardous waste constituents to the environment, or
 - 2) A threat to human health.
- b) Written schedule.

- 1) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and structural equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

- 2) The owner or operator shall keep this schedule at the facility.

- 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) that are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

- 4) The frequency of inspection may vary for the items on the schedule. However, the frequency it should be based on the rate of deterioration, of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 725.274, 725.293, 725.295, 725.326, 725.360, 725.378, 725.404, 725.447, 725.477, 725.503, 725.933, 725.952, 725.953, 725.958, 725.989, and 725.984 through 725.990 725-991(b), where applicable.

- c) The owner or operator shall remedy any deterioration or malfunction of equipment or structure that the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

- d) The owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date, and nature of any repairs or other remedial actions.

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 725.173 Operating Record

- a) The owner or operator shall keep a written operating record at the facility.
- b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility.

- 1) A description and the quantity of each hazardous waste received and the method or methods and date or dates of its treatment, storage, or disposal at the facility as required by Section 725.Appendix A;

- 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities this information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest; BOARD NOTE: See Sections 725.219, 725.379, and 725.409 for related requirements.

- 3) Records and results of waste analysis, waste determinations, and trial tests performed as specified in Sections 725.113, 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934, 725.963, and 725.984 and 35 Ill. Adm. Code 728.104(a) and 728.107;

- 4) Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 725.156(j);

- 5) Records and results of inspections as required by Sections 725.115(d) (except these data need be kept only three years);
- 6) Monitoring, testing or analytical data where required by 725-Subpart F of this Part or Sections 725.119, 725.190, 725.194, 725.291, 725.293, 725.295, 725.322, 725.323, 725.326, 725.355, 725.359, 725.360, 725.376, 725.378, 725.380(d)(1), 725.402 through 725.404, 725.447, 725.477, 725.934(c) through (f), 725.935, 725.963(d) through (i), or 725.964, and 725.1083 725-989 through 725.990 725-991;

BOARD NOTE: As required by Section 725.194, monitoring data at disposal facilities must be kept throughout the post-closure period.

- 7) All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244;

- 8) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under

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an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106, or a certification under 35 Ill. Adm. Code 728.108 and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);

9) For an off-site treatment facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

10) For an on-site treatment facility, the information contained in the notice (except the manifest number) and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

11) For an off-site land disposal facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108;

12) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, if applicable, required under 35 Ill. Adm. Code 728.107 or 728.108;

13) For an off-site storage facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and

14) For an on-site storage facility, the information contained in the notice (except the manifest number) and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 725.930 Applicability

a) This Subpart applies to owners and operators of facilities that treat, store or dispose of hazardous wastes (except as provided in Section 725.101).

b) Except for Section 725.934(d) and (e), this Subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted in one of the following:

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1) A unit that is subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705; or

2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 262.34(a) (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located on a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705; or

3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a "90-day" tank or container) and which is not a recycling unit under the requirements of 35 Ill. Adm. Code 721.106.

BOARD NOTE: The requirements of Sections 725.932 through 725.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104 and 725.101(c) are not affected by these requirements.

c) Agency decisions pursuant to this Part must be made in writing, are in the nature of permit decisions pursuant to Section 39 of the Environmental Protection Act and may be appealed to the Board pursuant to 35 Ill. Adm. Code 105.

d) The requirements of this Subpart do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents which would otherwise be subject to this Subpart are equipped with and operating air emission controls in accordance with the process vent requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. The documentation of compliance under regulations at 40 CFR 60, 61, or 63 must be kept with, or made readily available with, the facility operating record.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.933 Standards: Closed-vent Systems and Control Devices

a) Compliance Required.

1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.

2) Implementation Schedule.

A) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation

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schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart for installation and startup.

- B) Any unit ~~that begins~~ that begins operation after December 21, 1990, and which is subject to the provisions of this Subpart when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month 2-year implementation schedule does not apply to these units.

- C) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart shall comply with all requirements of this Subpart as soon as practicable but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart cannot be installed and begin operation by the effective date of the amendment, the facility owner or operator shall prepare an implementation schedule that includes the following information: Specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart. The owner or operator shall enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

- D) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart after December 8, 1997, due to an action other than those described in subsection (a)(2)(iii) of this Section must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart; the 30-month implementation schedule does not apply).

- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 725.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.

- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis

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corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 degrees Celsius ($^{\circ}$ C). If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame combustion zone of the boiler or process heater.

d) Flares

- 1) A flare must be designed for and operated with no visible emissions as determined by the methods specified in subsection (e)(1) of this Section except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

- 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(c) of this Section.

- 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted, or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater if the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) of this Section.

4) Exit Velocity.

- A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) of this Section.

- B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).

- C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than the velocity, V as determined by the method specified in subsection (e)(4) and less than 122 m/s (400 ft/s) is allowed.

- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V as determined by the method specified in subsection (e)(5) of this Section.

- 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.

e) Compliance determination and equations.

- 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to

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Method 22.

- 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H[T] = K \times \sum_{i=1}^n C[i] \times H[i]$$

Where:

$H[T]$ is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20°C.

$K = 1.74 \times 10^{-7}$ (1/ppm) (g mol/scm) (MJ/kcal) where the standard temperature for (g mol/scm) is 20°C.

$S \times X[i]$ means the sum of the values of X for each component i , from $i=1$ to n .

$C[i]$ is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D 1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

$H[i]$ is the net heat of combustion of sample component i , kcal/gmol at 25°C and 760 mm Hg. The heats of combustion must be determined using ASTM D 2382-88, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

- 4) The maximum allowed velocity in m/s, V for a flare complying with subsection (d)(4)(C) of this Section must be determined by the following equation:

$$\log[10] (V(\max)) = \frac{H[T] + 28.8}{31.7}$$

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Where:

$\log[10-]$ means logarithm to the base 10

$H[T]$ is the net heating value as determined in subsection (e)(2) of this Section.

- 5) The maximum allowed velocity in m/s, V for an air-assisted flare must be determined by the following equation:

$$V = 8.706 + 0.7084 H[T]$$

Where:

$H[T]$ is the net heating value as determined in subsection (e)(2) of this Section.

- f) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before being combined with other vent streams.

2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of ± 1 percent of the temperature being monitored in °C or $\pm 0.5^\circ\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ± 1 percent of the temperature being monitored in °C or $\pm 0.5^\circ\text{C}$, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with

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a continuous recorder that indicates the continuous ignition of the pilot flame.

- D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.
- E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure parameters that indicate good combustion operating practices are being used.

F) For a condenser, either:

- i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or
- ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of ± 1 percent of the temperature being monitored in degrees Celsius ($^{\circ}\text{C}$) or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).

G) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly in the control device, either:

- i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or
 - ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.
- 3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) of this Section at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.

g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time

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interval that is no longer than the carbon service life established as a requirement of Section 725.935(b)(4)(C)(vi).

h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:

- l) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 725.935(b)(4)(C)(vii), whichever is longer.
- 2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 725.935(b)(4)(C)(vii).

i) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

j) A closed-vent system must meet either of the following design requirements:

- 1) A closed-vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background, as determined by the methods specified at Section 725.934(b), and by visual inspections; or
 - 2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.
- k) The owner or operator shall monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:

- l) Each closed-vent system that is used to comply with subsection (j)(1) of this Section shall be inspected and monitored in accordance with the following requirements:
 - A) An initial leak detection monitoring of the closed-vent system shall be conducted by the owner or operator on or

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before the date that the system becomes subject to this Section. The owner or operator shall monitor the closed-vent system components and connections using the procedures specified in Section 725.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.

- B) After initial leak detection monitoring required in subsection (k)(1)(A) of this Section, the owner or operator shall inspect and monitor the closed-vent system as follows:
- i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall monitor a component or connection using the procedures specified in Section 725.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).
 - ii) Closed-vent system components or connections other than those specified in subsection (k)(1)(B)(i) of this Section must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (n) of this Section, using the procedures specified in Section 725.934(b) to demonstrate that the components or connections operate with no detectable emissions.

- C) In the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of subsection (k)(3) of this Section.
- D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.

- 2) Each closed-vent system that is used to comply with subsection (j)(2) of this Section must be inspected and monitored in accordance with the following requirements:

- A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.
- B) The owner or operator shall perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or

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operator shall perform the inspections at least once every year.

- C) In the event that a defect or leak is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k)(3) of this Section.
- D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.

- 3) The owner or operator shall repair all detected defects as follows:

- A) Detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (k)(3)(C) of this Section.

- B) A first attempt at repair must be made no later than five calendar days after the emission is detected.

- C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.

- D) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in Section 725.935.

- 1) A closed-vent system or control device used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to it.

- m) The owner or operator using a carbon adsorption system to control air pollutant emissions shall document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:

- 1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following:

- A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 724.Subpart X; or

- B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of #55-Subparts AA and CC of this Part or 35 Ill. Adm. Code 724; or

- C) The unit is equipped with and operating air emission

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controls in accordance with a national emission standard for hazardous air pollutants under 40 CFR 61 or 40 CFR 63.

- 2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following:

- A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 724.Subpart O, or
- B) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of 725-Subpart O of this Part.

- 3) It is burned in a boiler or industrial furnace for which the owner or operator has done either of the following:

- A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726.Subpart H, or
- B) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.

- n) Any components of a closed-vent system that are designated, as described in Section 725.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (k)(1)(B)(ii) of this Section if both of the following conditions are fulfilled:

- 1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (k)(1)(B)(ii) of this Section; and
- 2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (k)(1)(B)(ii) of this Section as frequently as practicable during safe-to-monitor times.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 725.950 Applicability

- a) The regulations in this Subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 725.101).
- b) Except as provided in Section 725.964(k), this Subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent by weight that are managed in one of the following:

- 1) A unit that is subject to the RCRA permitting requirements of 35

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Ill. Adm. Code 702, 703, and 705;

- 2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705; or
- 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a "90-day" tank or container) and which is not a recycling unit under the provisions of 35 Ill. Adm. Code 721.106.

- c) Each piece of equipment to which this Subpart applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.

- d) Equipment that is in vacuum service is excluded from the requirements of Sections 725.952 to 725.960, if it is identified as required in Section 725.964(g)(5).

- e) Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent ~~by weight~~ by weight for a period of less than 300 hours per calendar year is excluded from the requirements of Sections 725.952 through 725.960 if it is identified as required in Section 725.964(g)(6).

BOARD NOTE: The requirements of Sections 725.952 through 725.964 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104 and 725.101(e) are not affected by these requirements.

- f) Agency decisions pursuant to this Part must be made in writing, are in the nature of permit decisions pursuant to Section 39 of the Environmental Protection Act and may be appealed to the Board pursuant to 35 Ill. Adm. Code 105.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.960 Standards: Closed-vent Systems and Control Devices

- a) An owner, owners or operator, operators of a closed-vent system or systems--and control device subject to this Subpart devices shall comply with the provisions of Section 725.933.

- b) Implementation Schedule.

- 1) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as

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- 1) An owner or operator shall comply with the requirements for valves, as described in Section 725.957, except as described in subsections (b)(2) and (3).
- 2) After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip one of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every six months) for the valves subject to the requirements in Section 725.957.
- 3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two percent, an owner or operator may begin to skip three of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every year) for the valves subject to the requirements in Section 725.957.
- 4) If the percentage of valves leaking is greater than 2 percent, the owner or operator shall monitor monthly in compliance with the requirements in Section 725.957, but may again elect to use this Section after meeting the requirements of Section 725.957(c)(1).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.964 Recordkeeping Requirements

- a) Lumping Units.
 - 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
 - 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.
- b) Owners and operators shall record the following information in the facility operating record:
 - 1) For each piece of equipment to which this Subpart applies:
 - A) Equipment identification number and hazardous waste management unit identification.
 - B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
 - C) Type of equipment (e.g., a pump or pipeline valve).
 - D) Percent-by-weight total organics in the hazardous wastestream at the equipment.
 - E) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).
 - F) Method of compliance with the standard (e.g., "monthly leak

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- possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart for installation and startup.
- 2) Any unit that begins operation after December 21, 1990, and which is subject to the provisions of this Subpart when operation begins, must comply with the rules immediately (i.e., the unit must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.
 - 3) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart shall comply with all requirements of this Subpart as soon as practicable but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart cannot be installed and begin operation by the effective date of the amendment, the facility owner or operator shall prepare an implementation schedule that includes the following information: Specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart. The owner or operator shall enter the implementation schedule in the operating record or in a permanent readily available file located at the facility.
 - 4) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart due to an action other than those described in subsection (b)(3) of this Section shall comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart; the 30-month implementation schedule does not apply).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.962 Skip Period Alternative for Valves

- a) Election
 - 1) An owner or operator subject to the requirements of Section 725.957 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in subsections (b)(2) and (3).
 - 2) An owner or operator shall notify the Agency before implementing one of the alternative work practices.
- b) Reduced Monitoring

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detection and repair" or "equipped with dual mechanical seals").

- 2) For facilities that comply with the provisions of Section 725.933(a)(2), an implementation schedule as specified in that Section.
- 3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in Section 725.935(b)(3).
- 4) Documentation of compliance with Section 725.960, including the detailed design documentation or performance test results specified in Section 725.935(b)(4).
- c) When each leak is detected as specified in Section 725.952, 725.953, 725.957, or 725.958, the following requirements apply:
 - 1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 725.958(a), and the date the leak was detected, must be attached to the leaking equipment.
 - 2) The identification on equipment except on a valve, may be removed after it has been repaired.
 - 3) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in Section 725.957(c) and no leak has been detected during those 2 months.
- d) When each leak is detected as specified in Sections 725.952, 725.953, 725.957 or 725.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:
 - 1) The instrument and operator identification numbers and the equipment identification number.
 - 2) The date evidence of a potential leak was found in accordance with Section 725.958(a).
 - 3) The date the leak was detected and the dates of each attempt to repair the leak.
 - 4) Repair methods applied in each attempt to repair the leak.
 - 5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 725.963(b) after each repair attempt is equal to or greater than 10,000 ppm.
 - 6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
 - 7) Documentation supporting the delay of repair of a valve in compliance with Section 725.959(c).
 - 8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.
 - 9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.
 - 10) The date of successful repair of the leak.
- e) Design documentation and monitoring, operating and inspection

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information for each closed-vent system and control device required to comply with the provisions of Section 725.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 725.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 725.935(c)(3) through (c)(8).

- f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.
- g) The following information pertaining to all equipment subject to the requirements in Sections 725.952 through 725.960 must be recorded in a log that is kept in the facility operating record:
 - 1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart.
 - 2) List of Equipment
 - A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 725.952(e), 725.953(i) and 725.957(f).
 - B) The designation of this equipment as subject to the requirements of Section 725.952(e), 725.953(i) or 725.957(f) must be signed by the owner or operator.
 - 3) A list of equipment identification numbers for pressure relief devices required to comply with Section 725.954(a).
 - 4) Compliance tests.
 - A) The dates of each compliance test required in Sections 725.952(e), 725.953(i), 725.954, and 725.957(f).
 - B) The background level measured during each compliance test.
 - C) The maximum instrument reading measured at the equipment during each compliance test.
 - 5) A list of identification numbers for equipment in vacuum service.
 - 6) Identification, either by list or location (area or group) of equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent by weight for a period of less than 300 hours per year.
- h) The following information pertaining to all valves subject to the requirements of Section 725.957(g) and (h) must be recorded in a log that is kept in the facility operating record:
 - 1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.
 - 2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.

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- i) The following information must be recorded in the facility operating record for valves complying with Section 725.962:
- 1) A schedule of monitoring.
 - 2) The percent of valves found leaking during each monitoring period.
- j) The following information must be recorded in a log that is kept in the facility operating record:
- 1) Criteria required in Sections 725.952(d)(5)(B) and 725.953(e)(2) and an explanation of the criteria.
 - 2) Any changes to these criteria and the reasons for the changes.
- k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in Section 725.950 and other specific Subparts:
- 1) An analysis determining the design capacity of the hazardous waste management unit.

2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Section 725.960 and an analysis determining whether these hazardous wastes are heavy liquids.

3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 725.952 through 725.960. The record must include supporting documentation as required by Section 725.963(d)(3) when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 725.952 through 725.960, then a new determination is required.

1) Records of the equipment leak information required by subsection (d) of this Section and the operating information required by subsection (e) of this Section need be kept only three years.

m) The owner or operator of any facility with equipment that is subject to this Subpart and to regulations at 40 CFR 60, Subpart-vv, or 40 CFR 61, Subpart-v or 63, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart by documentation of compliance either pursuant to Section 725.964, or by documentation of compliance with the regulations at 40 CFR 60, 61, or 63, pursuant to the relevant those provisions of 40 CFR 60, 61, or 63. ~~to the extent that the documentation under the regulation at 40 CFR 60 or 61 duplicates the documentation required under this Subpart.~~ The documentation of compliance under the regulation at 40 CFR 60, or 61, or 63 must be kept with or made readily available with the facility operating record.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 725.980 Applicability

a) The requirements of this Subpart apply ~~effective October 6, 1996~~ to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers that are subject to 725-Subpart I, J, or K of this Part except as Section 725.101 and subsection (b) of this Section provide otherwise.

~~BOARD--NOW--USEPA--adopted--these--regulations--at--59--Fed--Reg--62896--(Dec--6--1994)--effective--June--6--1995--At--60--Fed--Reg--26828--(May--19--1995)--and--60--Fed--Reg--56952--(Nov--13--1995)--and--61--Fed--Reg--28588--(June--5--1996)--USEPA--delayed--the--effective--date--until--October--6--1996--If--action--by--USEPA--or--a--decision--of--a--federal--court--changes--the--725-Subpart--CC--rules--be--enforceable--to--the--extent--that--it--becomes--more--stringent--than--the--federal--regulations--upon--which--they--are--based--The requirements of this Subpart do not apply to the following waste management units at the facility:~~

1) A waste management unit that holds hazardous waste placed in the unit before ~~December 6, 1996~~, and in which no hazardous waste is added to the unit on or after ~~December 6, 1996~~ this date.

2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).

3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.

4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.

5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated as the result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA sections 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.

6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 USC 8558- 2011 et seq.) and the Nuclear Waste Policy Act.

7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean

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Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with the enclosure and control device requirements of Section 725.985(i), except as provided in Section 725.983(c)(5).

- 8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 725.931.
- c) For the owner and operator of a facility subject to this Subpart that has received a final RCRA permit prior to December 6, 1996, the following requirements apply:
 - 1) The requirements of 35 Ill. Adm. Code 724.Subpart CC must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705.
 - 2) Until the date when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705, the owner and operator is subject to the requirements of this Subpart.
- d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 725.990(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:
 - 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.
 - 2) The owner or operator prepares documentation, in accordance with Section 725.990(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 725.985 through 725.988 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section.
 - 3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing

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process or processes meeting the conditions of subsection (d)(1) of this Section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this Section. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.981 Definitions

As used in this Subpart and in 35 Ill. Adm. Code 724, all terms not defined herein shall have the meaning given to them in the Act and 35 Ill. Adm. Code 720 through 726.

"Average volatile organic concentration" or "average VO concentration" means the mass-weighted average volatile organic concentration of a hazardous waste, as determined in accordance with the requirements of Section 725.984.

"Closure device" means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover so that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

"Continuous seal" means a seal that forms a continuous closure that completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

"Cover" means a device that provides a continuous barrier over the hazardous waste managed in a unit to prevent or reduce air emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, and gauge wells) that are necessary for operation, inspection, maintenance, or repair of the unit on which the cover is used. A cover may be a separate piece of equipment which can be detached and removed from the unit or a cover may be formed by the structural features permanently integrated into the design of the unit.

"Enclosure" means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

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"External floating roof" means a pontoon-type or double-deck type cover that rests on the surface of a hazardous waste being managed in a tank with no fixed roof.

"Fixed roof" means a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

"Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

"Floating roof" means a cover consisting of a double-deck, pontoon single-deck, or internal floating cover that rests upon and is supported by the material being contained, and is equipped with a continuous seal.

"Hard-piping" means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

"In light material service" means that the container is used to manage a material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20°C (1.2 inches H₂O at 68°F); and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20°C (1.2 inches H₂O at 68°F) is equal to or greater than 20 percent by weight.

"Internal floating roof" means a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof, continuously around the circumference of the tank.

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. A failure that is caused in part by poor maintenance or careless operation is not a malfunction.

"Maximum organic vapor pressure" means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining wastes, etc.)

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reasonably expected to occur in the tank. For the purpose of this Subpart, maximum organic vapor pressure is determined using the procedures specified in Section 725.984(c).

"Metallic shoe seal" means a continuous seal that is constructed of metal sheets that are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and which is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

"No detectable organic emissions" means no escape of organics to the atmosphere, as determined using the procedure specified in Section 725.984(d).

"Point of waste origination" means as follows:

When the facility owner or operator is the generator of the hazardous waste, the "point of waste origination" means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste, as defined in 35 Ill. Adm. Code 721.

BOARD NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the federal Clean Air Act in 40 CFR 60, 61, and 63.

When the facility owner and operator are not the generator of the hazardous waste, "point of waste origination" means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

"Point of waste treatment" means the point where a hazardous waste to be treated in accordance with Section 725.983(c)(2) exits the treatment process. Any waste determination must be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

"Safety device" means a closure device, such as a pressure relief valve, frangible disc, fusible plug, or any other type of device, which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Subpart, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient

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temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

"Single-seal system" means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

"Vapor-mounted seal" means a continuous seal that is mounted so that there is a vapor space between the hazardous waste in the unit and the bottom of the seal.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw), as determined by direct measurement or by knowledge of the waste, in accordance with the requirements of Section 725.984. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8X10⁻⁶) atmospheres/gram-mole/m(3)) at 25°C (77°F) must be included. Section 725- Appendix F of this Section presents a list of compounds known to have a Henry's law constant value less than the cutoff level.

"Waste determination" means performing all applicable procedures in accordance with the requirements of Section 725.984 to determine whether a hazardous waste meets standards specified in this Subpart. Examples of a waste determination include performing the procedures in accordance with the requirements of Section 725.984 to determine the average VO concentration of a hazardous waste at the point of waste origination, determining the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste, the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards, or determining the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

"Waste stabilization process" means any physical or chemical process

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used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095 (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in 35 Ill. Adm. Code Section 720.111. A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification". This does not include the addition of absorbent materials to the surface of a waste to absorb free liquid without mixing, agitation, or subsequent curing.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.982 Schedule for Implementation of Air Emission Standards

a) An owner or operator of a facility in existence on December 6, 1996 and subject to 725-Subpart I, J, or K of this Part shall meet the following requirements:

1) The owner or operator shall install and begin operation of all control equipment required to comply with by this Subpart and complete modifications of production or treatment processes to satisfy exemption criteria in accordance with Section 725.983(c) by December 6, 1996, except as provided in subsection (a)(2) of this Section below.

2) When control equipment or waste management units required to comply with by this Subpart cannot be installed and in operation or modifications of production or treatment processes to satisfy exemption criteria in accordance with Section 725.983(c) cannot be completed by December 6, 1996, the owner or operator shall:

A) Install and begin operation of the control equipment and waste management units, and complete modifications of production or treatment processes as soon as possible but in no case later than December 8, 1997.

B) Prepare an implementation schedule that includes the following information: Specific specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, waste management units, and production or treatment process modifications; the dates of initiation of on-site installation of the control equipment, or waste management units, and modifications of production or treatment processes; the dates of completion of the control equipment or waste management unit installation, and production or treatment process modifications; and the dates of performance of any testing to demonstrate that the installed equipment or waste management units, and modified

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production or treatment processes, meet ~~meets~~ the applicable standards of this Subpart.

- C) For a facility facilities subject to the recordkeeping requirements of Section 725.173, the owner or operator shall enter the implementation schedule specified in subsection (a)(2)(B) of this Section above in the operating record no later than December ~~October~~ 6, 1996.

- D) For a facility facilities not subject to Section 725.173 of this Section above, the owner or operator shall enter the implementation schedule specified in subsection (a)(2)(B) of this section in a permanent, readily available file located at the facility no later than December ~~October~~ 6, 1996.

- b) An owner or operator of a facility or unit in existence on the effective date of statutory or regulatory amendments under the Act that render the facility subject to 725-Subpart I, J, or K of this Part shall meet the following requirements:

- 1) The owner or operator shall install and begin operation of all control equipment required to comply with by this Subpart and complete modifications of production or treatment processes to satisfy exemption criteria of Section 265.1083(c) of this Subpart by the effective date of the amendment, except as provided in subsection (b)(2) of this Section below.

- 2) When control equipment or waste management units required to comply with by this Subpart cannot be installed and begin operation or when modifications of production or treatment processes to satisfy the exemption criteria of Section 725.983(c) cannot be completed by the effective date of the amendment, the owner or operator shall undertake the following actions:

- A) Install and begin operation of ~~operate~~ the control equipment or waste management unit and complete modification of production or treatment processes as soon as possible, but in no case later than 30 months after the effective date of the amendment;

- B) Maintenance of implementation schedule.

- i) For facilities subject to the recordkeeping requirements of Section 725.173, enter and maintain the implementation schedule specified in subsection (a)(2)(B) of this Section above in the operating record no later than the effective date of the amendment, or

- ii) For facilities not subject to Section 725.173, the owner or operator shall enter and maintain the implementation schedule specified in subsection (a)(2)(B) of this Section above in a permanent, readily available file located at the facility site no later than the effective date of the amendment.

- c) The owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart after December 8, 1997 due to an

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action other than those described in subsection (b) of this Section shall comply with all applicable requirements immediately i.e., the owner or operator shall have control devices installed and operating on the date the facility or unit becomes subject to the requirements of this Subpart; the 30-month implementation schedule does not apply to the owner or operator of such a facility).

- (d) The Board will grant an adjusted standard pursuant to Section 28.1 of the Act and 35 Ill. Adm. Code that extends ~~Agency may elect to extend~~ the implementation date for control equipment at a facility, ~~on-a-case by-case basis~~ to a date later than December 8, 1997 when the facility owner or operator proves the following:

- 1) That when special circumstances ~~that--are~~ beyond the facility owner's or operator's control ~~have delayed or will delay~~ installation or operation of control equipment, and
- 2) That the ~~the~~ owner or operator has made all reasonable and prudent attempts to comply with the requirements of this Subpart.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.983 Standards: General

- a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart.

- b) The owner or operator shall control air pollutant emissions from each hazardous waste management unit in accordance with the standards specified in Sections 725.985 through Section 725.988, as applicable to the hazardous waste management unit, except as provided for in subsection (c) of this Section.

- c) A tank, surface impoundment, or container is exempted from standards specified in Sections 725.985 through 725.988, provided that all hazardous waste placed in the waste management unit is one of the following:

- 1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration must be determined by the procedures specified in Section 725.984(a). The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.

- 2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

- A) The process removes or destroys the organics contained in the hazardous waste to such a level that the average VO

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concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C(t)) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process must be determined using the procedures specified in Section 725.984(b).

B) The process removes or destroys the organics contained in the hazardous waste to such a level that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 725.984(b).

C) The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 725.984(b).

D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:

i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (R(bio)) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process must be determined using the procedures specified in Section 725.984(b).

ii) The total actual organic mass biodegradation rate (MR(bio)) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process must be determined using the procedures specified in Section 725.984(b).

E) The process is one that removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

i) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed

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in waste management units that use air emission controls in accordance with the standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

ii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere.

BOARD NOTE: The USEPA considers a drain system that meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", to be a closed system.

iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual hazardous waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination must be determined using the procedures specified in Section 725.984(a). The average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 725.984(b).

F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedures specified in Section 724.983(b) and Section 724.983(a), respectively.

G) A hazardous waste incinerator for which either of the following conditions is true:

i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 724. Subpart O; or

ii) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of 725-Subpart O of this Part.

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H) A boiler or industrial furnace for which either of the following conditions is true:

- i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726.Subpart H; or
- ii) The owner or operator has designed and operates the industrial furnace or incinerator in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.

I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F) of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:

- i) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, one-half the blank value determined in the method at Section 4.4 of Method 25D or a value of 25 ppmv, whichever is less.

- ii) If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase ($0.1 Y/X$) (which can also be expressed as 1.8×10^{-6}) atmospheres/gram-mole/m(3)) at 25° C ~~limit of detection-established-for-the-method.~~

3) A tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D) of this Section.

4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following two conditions:

- A) It meets the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in 35 Ill. Adm. Code 728.Table T; or
- B) ~~The organic hazardous constituents in the waste have been treated by the treatment technology established by USEPA for the waste, as set forth in 35 Ill. Adm. Code 728.142(a), or treated by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b).~~

5) A tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met:

- A) The tank is located inside an enclosure vented to a control

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device that is designed and operated in accordance with all applicable requirements specified under 40 CFR 61, subpart FF, "National Emission Standards for Benzene Waste Operations", incorporated by reference in 35 Ill. Adm. Code 720.111, for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year;

- B) The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and

- C) The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.

- d) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:

- 1) The waste determination for average VO concentration of a hazardous waste at the point of waste origination must be performed using direct measurement in accordance with the applicable requirements of Section 725.984(a). The waste determination for a hazardous waste at the point of waste treatment must be performed in accordance with the applicable requirements of Section 725.984(b).

- 2) In performing a waste determination pursuant to subsection (d)(1) of this Section, the sample preparation and analysis shall be conducted as follows:

- A) In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B) of this Section.
- B) If the Agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Agency may choose an appropriate method.
- 3) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste

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- 4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) of this Section must be used to establish compliance with the requirements of this Subpart.
- 5) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart by performing or requesting that the owner or operator perform a waste determination using direct measurement, based on waste samples collected within a 1-hour period as follows:

- A) The average VO concentration of the hazardous waste at the point of waste origination must be determined by direct measurement in accordance with the requirements of Section 725.984(a).
- B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw shall constitute noncompliance with this Subpart, except in a case as provided for in subsection (d)(4)(C) of this Section.
- C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given 1-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Sections 725.984(a) and 725.990 must be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.984 Waste Determination Procedures

- a) Waste determination procedure for volatile organic (VO) concentration

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of a hazardous waste at the point of waste origination.

- 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.
- 2) For a waste determination that is required by subsection (a)(1) of this Section, the average VO concentration of a hazardous waste at the point of waste origination must be determined using either direct measurement, as specified in subsection (a)(3) of this Section, or by knowledge of the waste, as specified in subsection (a)(4) of this Section.
- 3) Direct measurement to determine average VO concentration of a hazardous waste at the point of waste origination.
- A) Identification. The owner or operator shall identify and record the point of waste origination for the hazardous waste.
- B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste origination in a manner such that volatilization of organics contained in the waste and that the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.
- i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.
- ii) A sufficient number of samples, but no fewer ~~less~~ than four samples, must be collected for ~~a~~ the hazardous waste determination. The average of the four or more sample results constitutes a waste determination for the waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.
- iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste stream

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are collected such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (a)(3)(C)(i) through (a)(3)(C)(ix) of this Section, including the appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as $1.8 \times 10^{(-6)}$ atmospheres/gram-mole/m(3)]† at 25°C (77°F). Each of the analytical methods listed in subsections (a)(3)(C)(ii) through (a)(3)(C)(vii) of this Section has an associated list of approved chemical compounds, for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1624, or 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260†‡ or 8270†§ in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the procedures in subsection (a)(3)(C)(viii) of this Section must be followed. At the owner's or operator's discretion, the concentration of each individual chemical constituent measured in the waste by a method other than Method 25D may be corrected to

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the concentration it would have had, had it been measured using Method 25D, by multiplying the measured concentration by the constituent-specific adjustment factor (f[m25D]), as specified in subsection (a)(4)(C) of this Section. Constituent-specific adjustment factors (f[m25D]) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.

- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- iii) Method 625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.
- iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
- vi) Method 8260†‡ in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260†‡. The quality assurance program must include the elements set forth in subsection (a)(3)(F)†§ of this Section.
- vii) Method 8270†§ in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270†§. The quality assurance program must include the elements set forth in subsection (a)(3)(F)†§ of this Section.
- viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for USEPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other USEPA standard methods may be validated by the procedure specified in subsection (a)(3)(C)(ix) of this Section.
- ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations

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in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.

D) Calculations.

i) The average VO concentration (C) on a mass-weighted basis must be calculated by using the results for all waste determinations conducted ~~samples--analyzed~~ in accordance with subsection (a)(3)(B)(ii) and (a)(3)(C) of this Section and the following equation:

$$\bar{C} = \frac{1}{Q[T]} \times \sum_{i=1}^n Q[i] \times CM[i]$$

Where:

\bar{C} = Average VO concentration of the hazardous waste at the point of waste origination on a mass-weighted basis, in ppmw.

i = Individual waste determination sample "i" of the hazardous waste.

n = Total number of waste determinations ~~samples~~ of the hazardous waste conducted ~~collected--fat--least four~~ for the averaging period (not to exceed one year).

Q[i] = Mass quantity of the hazardous waste stream represented by C[i], in kg/hr.

Q[T] = Total mass quantity of the hazardous waste during the averaging period, in kg/hr.

C[i] = Measured VO concentration of waste determination sample "i", as determined in accordance with subsection (a)(3)(C) of this Section (i.e., the average of the four or more samples specified in subsection (a)(3)(B)(ii) of this Section), in ppmw.

ii) For the purpose of determining C[i], for individual

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waste samples analyzed in accordance with subsection (a)(3)(C) of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the VO concentration determined according to subsection (a)(3)(G) of this Section.

E) Provided that the test method is appropriate for the waste as required under subsection (a)(3)(C) of this Section, the Agency must determine compliance based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

FB) The quality assurance program elements required under subsections (a)(3)(C)(vi) and (a)(3)(C)(vii) of this Section are as follows:

i) Documentation of site-specific procedures to minimize the loss of compounds due to volatilization, biodegradation, reaction, or sorption during the sample collection, storage, preparation, introduction, and analysis steps.

ii) Measurement of the overall accuracy and precision of the specific procedures.

BOARD NOTE: Subsections (a)(3)(FB)(i) and (a)(3)(FB)(ii) are derived from ~~correspond--with~~ 40 CFR 265.984(a)(3)(iii)(F)(1), (a)(3)(iii)(F)(2), (a)(3)(iii)(G)(1) and (a)(3)(iii)(G)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

G) VO concentrations below the limit of detection must be considered to be as follows:

i) If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, is used for the analysis, the VO concentration must be considered to be one-half the blank value determined in the method at Section 4.4 of Method 25D in 40 CFR 60, appendix A.

ii) If any other analytical method is used, the VO concentration must be considered to be one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8×10^{-6}) atmosphere/gram-mole/m(3)) at 25° C.

BOARD NOTE: Subsections (a)(3)(G)(i) and (a)(3)(G)(ii) are derived from 40 CFR 265.984(a)(3)(iv)(A)(1) and (a)(3)(iv)(A)(2), which the Board has codified here to comport with Illinois

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Administrative Code format requirements.

- 4) Use of owner or operator knowledge to determine average VO concentration of a hazardous waste at the point of waste origination.

A) Documentation must be prepared that presents the information used as the basis for the owner's or operator's knowledge of the hazardous waste stream's average VO concentration. Examples of information that may be used as the basis for knowledge include the following: material balances for the source or process generating the hazardous waste stream; constituent-specific chemical test data for the hazardous waste stream from previous testing that are still applicable to the current waste stream; previous test data for other locations managing the same type of waste stream; or other knowledge based on information included in manifests, shipping papers, or waste certification notices.

B) If test data are used as the basis for knowledge, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use organic concentration test data for the hazardous waste stream that are validated in accordance with Method 301 in 40 CFR 63, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, as the basis for knowledge of the waste.

C) An owner or operator using chemical constituent-specific concentration test data as the basis for knowledge of the hazardous waste may adjust the test data to the corresponding average VO concentration value which would have been obtained had the waste samples been analyzed using Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. To adjust these data, the measured concentration for each individual chemical constituent contained in the waste is multiplied by the appropriate constituent-specific adjustment factor (f_{m25D}).

D) In the event that the Agency and the owner or operator disagree on a determination of the average VO concentration for a hazardous waste stream using knowledge, then the results from a determination of average VO concentration using direct measurement, as specified in subsection (a)(3) of this Section, must be used to establish compliance with the applicable requirements of this Subpart. The Agency may perform or request that the owner or operator perform this determination using direct measurement. The owner or operator may choose one or more appropriate methods to analyze each collected sample in accordance with the

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Requirements of subsection (a)(3)(C) of this Section.

- b) Waste determination procedures for treated hazardous waste.

1) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with the standards specified in Sections 725.985 through 725.988, as applicable to the waste management unit.

2) The owner or operator shall designate and record the specific provision in Section 725.983(c)(2) under which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(3) through (b)(9) of this Section.

3) Procedure to determine the average VO concentration of a hazardous waste at the point of waste treatment.

A) Identification. The owner or operator shall identify and record the point of waste treatment for the hazardous waste.

B) Sampling. Samples of the hazardous waste stream must be collected at the point of waste treatment in a manner such that volatilization of organics contained in the waste and in the subsequent sample is minimized and an adequately representative sample is collected and maintained for analysis by the selected method.

i) The averaging period to be used for determining the average VO concentration for the hazardous waste stream on a mass-weighted average basis must be designated and recorded. The averaging period can represent any time interval that the owner or operator determines is appropriate for the hazardous waste stream but must not exceed one year.

ii) A sufficient number of samples, but no fewer ~~less~~ than four samples, must be collected and analyzed for a hazardous waste determination. The average of the four or more sample results constitutes a waste determination for the hazardous waste stream. One or more waste determinations may be required to represent the complete range of waste compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for the source or process generating treating the hazardous waste stream. Examples of such normal variations are seasonal variations in waste quantity or fluctuations in ambient temperature.

iii) All samples must be collected and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling

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plan. This plan must describe the procedure by which representative samples of the hazardous waste stream are collected such that a minimum loss of organics occurs throughout the sample collection and handling process, and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

- C) Analysis. Each collected sample must be prepared and analyzed in accordance with one or more of the methods listed in subsections (b)(3)(C)(i) through (b)(3)(C)(ix) of this Section, including appropriate quality assurance and quality control (QA/QC) checks and use of target compounds for calibration. When the owner or operator is making a waste determination for a treated hazardous waste that is to be compared to an average VO concentration at the point of waste origination or the point of waste entry to the treatment system, to determine if the conditions of 35 Ill. Adm. Code 724.982(C)(2)(A) through (C)(2)(F) or Section 725.983(C)(2)(A) through (C)(2)(F) are met, then the waste samples shall be prepared and analyzed using the same method or methods as were used in making the initial waste determinations at the point of waste origination or at the point of entry to the treatment system. If Method 25D in 40 CFR 60, appendix A is not used, then one or more methods should be chosen that are appropriate to ensure that the waste determination accounts for and reflects all organic compounds in the waste with Henry's law constant values at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) [which can also be expressed as $1.8 \times 10^{(-6)}$ atmospheres/gram-mole/m(3)] at 25 degrees Celsius. Each of the analytical methods listed in subsections (b)(3)(C)(ii) through (b)(3)(C)(viiv) of this Section has an associated list of approved chemical compounds, for which USEPA considers the method appropriate for measurement. If an owner or operator uses USEPA Method 624, 625, 1624, or 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the Alternative Test Procedure contained in

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- 40 CFR 136.4 and 136.5, incorporated by reference in 35 Ill. Adm. Code 720.111, must be followed. If an owner or operator uses USEPA Method 8260(B) or 8270(E) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, to analyze one or more compounds that are not on that method's published list, the procedures in subsection (b)(3)(C)(viii) of this Section must be followed. At the owner's or operator's discretion, the concentration of each individual chemical constituent measured in the waste by a method other than Method 25D may be corrected to the concentration had it been measured using Method 25D by multiplying the measured concentration by the constituent-specific adjustment factor (f_{m25D}) as specified in subsection (a)(4)(C) of this Section. Constituent-specific adjustment factors (f_{m25D}) can be obtained by contacting the USEPA, Waste and Chemical Processes Group, Office of Air Quality Planning and Standards, Research Triangle Park, NC 27711.
- i) Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - ii) Method 624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - iii) Method 625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Perform corrections to the compounds for which the analysis is being conducted based on the "accuracy as recovery" using the factors in Table 7 of the method.
 - iv) Method 1624 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - v) Method 1625 in 40 CFR 136, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - vi) Method 8260(B) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8260(B). The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.
 - vii) Method 8270(E) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Maintain a formal quality assurance program consistent with the requirements of Method 8270(E). The quality assurance program must include the elements set forth in subsection (b)(3)(E) of this Section.

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viii) Any other USEPA standard method that has been validated in accordance with "Alternative Validation Procedure for EPA Waste and Wastewater Methods", 40 CFR 63, appendix D, incorporated by reference in 35 Ill. Adm. Code 720.111. As an alternative, other USEPA standard methods may be validated by the procedure specified in subsection (b)(3)(C)(ix) of this Section.

ix) Any other analysis method that has been validated in accordance with the procedures specified in Section 5.1 or Section 5.3, and the corresponding calculations in Section 6.1 or Section 6.3, of Method 301 in 40 CFR 63, appendix A. The data are acceptable if they meet the criteria specified in Section 6.1.5 or Section 6.3.3 of Method 301. If correction is required under Section 6.3.3 of Method 301, the data are acceptable if the correction factor is within the range 0.7 to 1.30. Other Sections of Method 301 are not required.

D) Calculations. The average VO concentration \bar{C} (C) on a mass-weighted basis must be calculated by using the results for all samples analyzed in accordance with subsection (b)(3)(C) of this Section and the following equation:

$$\bar{C} = \frac{1}{n} \sum_{i=1}^n Q[T] \times \text{SUM } (Q[i] \times C[i])$$

Where:

\bar{C} = Average VO concentration of the hazardous waste at the point of waste treatment on a mass-weighted basis, in ppmw.

i = Individual determination sample "i" of the hazardous waste.

n = Total number of waste determinations samples of the hazardous waste collected ~~(at least--4)~~ for the averaging period (not to exceed 1 year).

$Q[i]$ = Mass quantity of the hazardous waste stream represented by $C[i]$, in kg/hr.

$Q[T]$ = Total mass quantity of hazardous waste during the averaging period, in kg/hr.

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$C[i]$ = Measured VO concentration of waste determinations sample "i", as determined in accordance with the requirements of subsection (b)(3)(C) of this Section (i.e., the average of the four or more samples specified in subsection (b)(3)(B)(ii) of this Section), in ppmw.

E) Provided that the test method is appropriate for the waste as required under subsection (b)(3)(C) of this Section, compliance shall be determined based on the test method used by the owner or operator as recorded pursuant to Section 725.990(f)(1).

4) Procedure to determine the exit concentration limit ($C[t]$) for a treated hazardous waste.

- The point of waste origination for each hazardous waste treated by the process at the same time must be identified.
- If a single hazardous waste stream is identified in subsection (b)(4)(A) of this Section, then the exit concentration limit ($C[t]$) must be 500 ppmw.
- If more than one hazardous waste stream is identified in subsection (b)(4)(A) of this Section, then the average VO concentration of each hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) of this Section. The exit concentration limit ($C[t]$) must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C[t] = \frac{\sum_{x=1}^m (Q[x] \times \bar{C}[x]) + \sum_{y=1}^n (Q[y] \times 500 \text{ ppmw})}{\sum_{x=1}^m Q[x] + \sum_{y=1}^n Q[y]}$$

Where:

$C[t]$ = Exit concentration limit for treated hazardous waste, in ppmw.

x = Individual hazardous waste stream "x" that has an average VO concentration less than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

y = Individual hazardous waste stream "y" that has an average VO concentration equal to or greater than 500

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ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

m = Total number of "x" hazardous waste streams treated by process.

n = Total number of "y" hazardous waste streams treated by process.

Q[x] = Annual mass quantity of hazardous waste stream "x", in kg/yr.

Q[y] = Annual mass quantity of hazardous waste stream "y", in kg/yr.

$\bar{C}[x]$ = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section, in ppmw.

5) Procedure to determine the organic reduction efficiency (R) for a treated hazardous waste.

A) The organic reduction efficiency (R) for a treatment process must be determined based on results for a minimum of three consecutive runs.

B) All hazardous waste streams entering the process and all hazardous waste streams exiting the treatment process must be identified. The owner or operator shall prepare a sampling plan for measuring these streams that accurately reflects the retention time of the hazardous waste in the process.

C) For each run, information must be determined for each hazardous waste stream identified in subsection (b)(5)(B) of this Section, using the following procedures:

i) The mass quantity of each hazardous waste stream entering the process (Q[b]) and the mass quantity of each hazardous waste stream exiting the process (Q[a]) must be determined.

ii) The average VO concentration at the point of waste origination of each hazardous waste stream entering the process (C[b]) during the run must be determined in accordance with the requirements of subsections (a)(3) of this Section. The average VO concentration at the point of waste treatment of each hazardous waste stream exiting the process (C[a]) during the run must be determined in accordance with the requirements of subsection (b)(3) of this Section.

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D) The waste volatile organic mass flow entering the process (E[b]) and the waste volatile organic mass flow exiting the process (E[a]) must be calculated by using the results determined in accordance with subsection (b)(5)(C) of this Section and the following equations:

$$E[b] = \frac{1}{10(6)} \sum_{j=1}^m Q[bj] \times \bar{C}[bj]$$

$$E[a] = \frac{1}{10(6)} \sum_{j=1}^m Q[aj] \times \bar{C}[aj]$$

Where:

E[a] = Waste volatile organic mass flow exiting the process, in kg/hr.

E[b] = Waste volatile organic mass flow entering the process, in kg/hr.

m = Total number of runs (at least 3)

j = Individual run "j"

Q[bj] = Mass quantity of hazardous waste entering the process during run "j", in kg/hr.

Q[aj] = Average mass quantity of waste exiting the process during run "j", in kg/hr.

$\bar{C}[aj]$ = Average VO concentration of hazardous waste exiting the process during run "j", as determined in accordance with the requirements of subsection(b)(3) of this Section, in ppmw.

$\bar{C}[bj]$ = Average VO concentration of hazardous waste entering the process during run "j", as determined in accordance with the requirements of subsection 725.984 (a)(3) of this Section, in ppmw.

E) The organic reduction efficiency of the process must be

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calculated by using the results determined in accordance with subsection (b)(5)(D) of this Section and the following equation:

$$R = \frac{E[b] - E[a]}{E[b]} \times 100\%$$

Where:

R = Organic reduction efficiency, in percent.

E[b] = Waste volatile organic mass flow entering the process as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

E[a] = Waste volatile organic mass flow exiting the process as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

6) Procedure to determine the organic biodegradation efficiency (R[bio]) for a treated hazardous waste.

A) The fraction of organics biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR 63, Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.

B) The organic biodegradation efficiency (R[bio]) must be calculated by using the following equation:

$$R[bio] = F[bio] \times 100\%$$

Where:

R[bio] = Organic biodegradation efficiency, in percent.

F[bio] = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(6)(A) of this Section.

7) Procedure to determine the required organic mass removal rate (RMR) for a treated hazardous waste.

A) All of the hazardous waste streams entering the treatment process must be identified.

B) The average VO concentration of the hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) of this

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C) For each individual hazardous waste stream that has an average volatile organic concentration equal to or greater than 500 ppmw at the point of waste origination, the average volumetric flow rate of hazardous waste and the density of the hazardous waste stream at the point of waste origination must be determined.

D) The required organic mass removal rate (RMR) for the hazardous waste must be calculated by using the average VO concentration, average volumetric flow rate, and density determined for each individual hazardous waste stream, and the following equation:

$$RMR = \sum_{y=1}^n \left[V[y] \times k[y] \times \frac{[C[y] - 500 \text{ ppmw}]}{10(6)} \right]$$

Where:

RMR = Required organic mass removal rate, in kg/hr.

Y = Individual hazardous waste stream "y" that has an average volatile organic (VO) concentration equal to or greater than 500 ppmw at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section.

n = Total number of "y" hazardous waste streams treated by process.

V[y] = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m(3)/hr.

k[y] = Density of hazardous waste stream "y", in kg/m(3)

C[y] = Average VO concentration of hazardous waste stream "y" at the point of waste origination, as determined in accordance with the requirements of subsection (a) of this Section, in ppmw.

8) Procedure to determine the actual organic mass removal rate (MR) for a treated hazardous waste.

A) The actual organic mass removal rate (MR) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste volatile organic mass flow entering the process

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(E[b]) and the waste volatile organic mass flow exiting the process (E[a]) must be determined in accordance with the requirements of subsection (b)(5)(D) of this Section.

- C) The actual organic mass removal rate (MR) must be calculated by using the mass flow rate determined in accordance with the requirements of subsection (b)(8)(B) of this Section and the following equation:

$$MR = E[b] - E[a]$$

Where:

MR = Actual organic mass removal rate, in kg/hr.

E[b] = Waste volatile organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

E[a] = Waste volatile organic mass flow exiting the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

- 9) Procedure to determine the actual organic mass biodegradation rate (MR[bio]) for a treated hazardous waste.

A) The actual organic mass biodegradation rate (MR[bio]) must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The waste organic mass flow entering the process (E[b]) must be determined in accordance with the requirements of subsection (b)(5)(D) of this Section.

C) The fraction of organic biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR Part 63, Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.

D) The actual organic mass biodegradation rate (MR[bio]) must be calculated by using the mass flow rates and fraction of organic biodegraded, as determined in accordance with the requirements of subsections (b)(9)(B) and (b)(9)(C) of this Section and the following equation:

$$MR[bio] = E[b] \times F[bio]$$

Where:

MR[bio] = Actual organic mass biodegradation rate,

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in kg/hr.

E[b] = Waste organic mass flow entering the process, as determined in accordance with the requirements of subsection (b)(5)(D) of this Section, in kg/hr.

F[bio] = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(9)(C) of this Section.

- c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 725.985(c).

2) An owner or operator shall use either direct measurement, as specified in subsection (c)(3) of this Section, or knowledge of the waste, as specified by subsection (c)(4) of this Section, to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.

3) Direct measurement to determine the maximum organic vapor pressure of a hazardous waste.

A) Sampling. A sufficient number of samples must be collected to be representative of the waste contained in the tank.

All samples must be conducted and handled in accordance with written procedures prepared by the owner or operator and documented in a site sampling plan. This plan must describe the procedure by which representative samples of the hazardous waste are collected such that a minimum loss of organics occurs throughout the sample collection and handling process and by which sample integrity is maintained. A copy of the written sampling plan must be maintained on-site in the facility operating records. An example of an acceptable sampling plan includes a plan incorporating sample collection and handling procedures in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", US EPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or in Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

B) Analysis. Any appropriate one of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure of the hazardous waste:

- i) Method 25E in 40 CFR 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111;

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- ii) Methods described in American Petroleum Institute Publication 2517, incorporated by reference in 35 Ill. Adm. Code 720.111;
 - iii) Methods obtained from standard reference texts;
 - iv) ASTM Method D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111; or
 - v) Any other method approved by the Agency.
- 4) Use of knowledge to determine the maximum organic vapor pressure of the hazardous waste. Documentation must be prepared and recorded that presents the information used as the basis for the owner's or operator's knowledge that the maximum organic vapor pressure of the hazardous waste is less than the maximum vapor pressure limit listed in Section 725.985(b)(1)(A) for the applicable tank design capacity category. An example of information that may be used is documentation that the hazardous waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate tank design capacity category.
- d) Procedure for determining no detectable organic emissions for the purpose of complying with this Subpart:
- 1) The test must be conducted in accordance with the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the cover and associated closure devices must be checked. Potential leak interfaces that are associated with covers and closure devices include, but are not limited to any of the following: the interface of the cover and its foundation mounting, the periphery of any opening on the cover and its associated closure device, and the sealing seat interface on a spring-loaded pressure relief valve.
 - 2) The test must be performed when the unit contains a hazardous waste having an organic concentration representative of the range of concentrations for the hazardous waste expected to be managed in the unit. During the test, the cover and closure devices must be secured in the closed position.
 - 3) The detection instrument must meet the performance criteria of Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, except the instrument response factor criteria in Section 3.1.2(a) of Method 21 must be for the average composition of the organic constituents in the hazardous waste placed in the waste management unit, not for each individual organic constituent.
 - 4) The detection instrument must be calibrated before use on each day of its use by the procedures specified in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code

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- 720.111.
- 5) Calibration gases must be as follows:
 - A) Zero air (less than 10 ppmv hydrocarbon in air), and
 - B) A mixture of methane or n-hexane in air at a concentration of approximately, but less than, 10,000 ppmv methane or n-hexane.
 - 6) The background level must be determined according to the procedures in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 7) Each potential leak interface must be checked by traversing the instrument probe around the potential leak interface as close to the interface as possible, as described in Method 21 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111. In the case when the configuration of the cover or closure device prevents a complete traverse of the interface, all accessible portions of the interface must be sampled. In the case when the configuration of the closure device prevents any sampling at the interface and the device is equipped with an enclosed extension or horn (e.g., some pressure relief devices), the instrument probe inlet must be placed at approximately the center of the exhaust area to the atmosphere.
 - 8) The arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 500 ppmv except when monitoring a seal around a rotating shaft that passes through a cover opening, in which case the comparison must be as specified in subsection (d)(9) of this Section. If the difference is less than 500 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.
 - 9) For the seals around a rotating shaft that passes through a cover opening, the arithmetic difference between the maximum organic concentration indicated by the instrument and the background level must be compared with the value of 10,000 ppmv. If the difference is less than 10,000 ppmv, then the potential leak interface is determined to operate with no detectable organic emissions.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.985 Standards: Tanks

- a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 725.983(b) references the use of this Section for such air emission control.
- b) The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

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- 1) For a tank that manages hazardous waste which meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) of this Section or the Tank Level 2 controls specified in subsection (d) of this Section.

A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category, as follows:

- i) For a tank design capacity equal to or greater than 151 m(3) (5333 ft(3) or 39,887 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psia or 39 mm Hg);
- ii) For a tank design capacity equal to or greater than 75 m(3) (2649 ft(3) or 19,810 gal) but less than 151 m(3) (5333 ft(3) or 39,887 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.0 psia or 207 mm Hg); or
- iii) For a tank design capacity is less than 75 m(3) (2649 ft(3) or 19,810 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psia or 574 mm Hg).

B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A) of this Section.

C) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in Section 725.981.

- 2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d) of this Section. Examples of tanks required to use Tank Level 2 controls include the following: a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category, as specified in subsection (b)(1)(A) of this Section.

c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls shall meet the requirements specified in subsections (c)(1) through (c)(4) of this Section:

- 1) The owner or operator shall determine the maximum organic vapor

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pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 725.984(c). Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) of this Section, as applicable to the tank.

- 2) The tank must be equipped with a fixed roof designed to meet the following specifications:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

B) The fixed roof must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.

C) Either of the following must be true of each fixed roof opening in the fixed roof and of any manifold system associated with the fixed roof must be either:

- i) The opening or manifold system is equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or
 - ii) The opening or manifold system is connected to a control by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank, except as provided for in subsection (c)(2)(E).
- D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and which will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the hazardous waste or its

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vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

E) The control device operated pursuant to subsection (C)(2)(C) of this Section needs not remove or destroy organics in the vent stream under the following conditions:

i) During periods when it is necessary to provide access to the tank for performing the activities of subsection (C)(2)(E)(ii) of this Section, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device; and

ii) During periods of routine inspection, maintenance, or other activities needed for normal operations, and for the removal of accumulated sludge or other residues from the bottom of the tank.

BOARD NOTE: Subsections (C)(2)(E)(i) and (C)(2)(E)(ii) are derived from 40 CFR 265.985(C)(2)(iii)(B)(1) and (C)(2)(iii)(B)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of the tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications.

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The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations; applicable regulations; fire protection and prevention codes; standard engineering codes and practices; or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

C) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements.

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year, except under the special conditions provided for in subsection (1) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls shall use one of the following tanks:

1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;

2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) of this Section;

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- 3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;
- 4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or
- 5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.
- e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.
 - 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:
 - A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
 - B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:
 - i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981; or
 - ii) Two continuous seals mounted one of this Section the other. The lower seal may be a vapor-mounted seal.
 - C) The internal floating roof must meet the following specifications:
 - i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
 - ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.
 - iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.
 - iv) Each automatic bleeder vent and rim space vent must be gasketed.
 - v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.
 - vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed

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- 2) The owner or operator shall operate the tank in accordance with the following requirements:
 - A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.
- 3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:
 - A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10 percent open area.
 - B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:
 - i) Visually inspect the internal floating roof components through openings on the fixed roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
 - ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.
 - C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals,

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gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.

- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.

ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.

E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

4) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (e).

f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in subsections (f)(1) through (f)(3) of this Section.

1) The owner or operator shall design the external floating roof in accordance with the following requirements:

A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

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B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm²) per meter (10.0 in²) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 inches). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 centimeters above the liquid surface.

ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm² per meter (1.0 in²) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.5 inch).

C) The external floating roof must meet the following specifications:

i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.

ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.

iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.

iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.

v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.

vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.

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- viii) Each slotted guide pole must be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere.
- ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

2) The owner or operator shall operate the tank in accordance with the following requirements:

- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.
 - C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.
 - D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.
 - F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.
 - G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.
 - H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.
- 3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:
- A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:
 - i) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.
 - ii) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and,

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thereafter, at least once every year.

iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) of this Section.

iv) The owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure set forth in subsection (f)(4)(D) of this Section.

v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) of this Section, the owner or operator must repair the defect in accordance with the requirements of subsection (k) of this Section.

vi) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

B) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:

i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

ii) The owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (1) of this Section.

iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B) of this Section, the owner or operator shall

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notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

- i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) of this Section, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.
 - ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank except when an inspection is not planned, as provided for in subsection (f)(3)(C)(iii) of this Section.
 - iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.
- D) Procedure for determining gaps in the primary seal and in the secondary seal for the purposes of subsection (f)(3)(A)(iv) of this Section:
- i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.
 - ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32-cm (1/4-inch) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.
 - iii) For a seal gap measured under this subsection (f)(3), the gap surface area must be determined by using probes of various widths to measure accurately the

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actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

- iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter perimeter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) of this Section.

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) are derived from correspond-with 40 CFR 265.1085(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 4) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (f).

g) The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.

- 1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

- A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.
- B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.
- C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life.

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Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.
- 2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

- A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

- i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.
- ii) To remove accumulated sludge or other residues from the bottom of a tank.

- B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

- A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988.

- C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date

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that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (1) of this Section.

- D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

- h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements.

- 1) The tank shall be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

- 2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 725.984(d).

- 3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed system that does not vent to the atmosphere except in the event that a safety device, as defined in Section 725.981, is required to open to avoid an unsafe condition.

- i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device shall meet the requirements specified in subsections (i)(1) through (i)(4) of this Section.

- 1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

- 2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 725.988.

- 3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of

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subsections (i)(1) and (i)(2) of this Section.
4) The owner or operator shall inspect and monitor the closed-vent system and control device, as specified in Section 725.988.

j) The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

- 1) Transfer of hazardous waste, except as provided in subsection (j)(2) of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 725.986 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) The requirements of subsection (j)(1) of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:

- A) The hazardous waste meets the average VO concentration conditions specified in Section 725.983(c)(1) at the point of waste origination.
- B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 725.983(c)(2).
- C) The hazardous waste meets the requirements of Section 725.983(c)(4).

k) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsections (c)(4), (e)(3), (f)(3), or (g)(3) of this Section as follows:

- 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.
- 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.
- 1) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

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1) Where inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

- A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
- B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.
- 2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.986 Standards: Surface Impoundments

a) The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which Section 725.983(b) of this Subpart references the use of this Section for such air emission control.

b) The owner or operator shall control air pollutant emissions from the surface impoundment by installing and operating either of the following:

- 1) A floating membrane cover in accordance with the provisions specified in subsection (c) of this Section; or
 - 2) A cover that is vented through a closed-vent system to a control device in accordance with the requirements provisions specified in subsection (d) of this Section.
- c) The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the requirements specified in subsections (c)(1) through (c)(3) of this Section.

1) The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:

- A) The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid.
- B) The cover must be fabricated from a synthetic membrane material that is either:

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- i) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm) (0.10 inch); or
- ii) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) of this Section and chemical and physical properties that maintain the material integrity for the intended service life of the material.

C) The cover must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.

D) Except as provided for in subsection (c)(1)(E) of this Section, each opening in the floating membrane cover must be equipped with a closure device so designed as to operate when that the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device.

E) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each membrane fabric cover that covers at least 90 percent of the area of the opening or a flexible fabric sleeve seal.

F) The closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.

2) Whenever a hazardous waste is in the surface impoundment, the floating membrane cover must float on the liquid and each closure device must be secured in the closed position except as follows:

A) Opening of closure devices or removal of the cover is allowed at the following times:

- i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment, or when a worker needs to open a

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hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly replace the cover and secure the closure device in the closed position, as applicable.

- ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect the floating membrane cover in accordance with the following procedures:

A) The floating membrane cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(c).

d) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device shall meet the requirements specified in subsections (d)(1) through (d)(3) of this Section.

1) The surface impoundment must be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment.

B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that

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when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions using the procedure specified in Section 725.984(d).

C) The cover and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and which will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction for and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed.

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

2) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:

i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment.

ii) To remove accumulated sludge or other residues from the bottom of the surface impoundment.

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

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3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

A) The surface impoundment cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988.

C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.

D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(c).

e) The owner or operator shall transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (e)(2) of this Section, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to Section 725.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, Subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111. The requirements of subsection (e)(1) of this Section do not apply when transferring a hazardous waste to the surface impoundment under any either of the following conditions:

A) The hazardous waste meets the average VO concentration conditions specified in Section 725.983(c)(1) at the point of waste origination.

B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in

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Section 725.983(c)(2).

- C) The hazardous waste meets the requirements of Section 725.983(c)(4).

f) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(3) or (d)(3) of this Section as follows:

- 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (f)(2) of this Section.
- 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.
- g) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:
 - 1) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
 - 2) Develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable Section of this Subpart as frequently as practicable during those times when a worker can safely access the cover.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.987 Standards: Containers

a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 725.983(b) references the use of this Section for such air emission control.

b) General requirements.

- 1) The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the

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following requirements, as applicable to the container, except when the special provisions for waste stabilization processes specified in subsection (b)(2) of this Section apply to the container.

- A) For a container having a design capacity greater than 0.1m(3) (26 gal) and less than or equal to 0.46m(3) (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.
- B) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.
- C) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.
- 2) When a container having a design capacity greater than 0.1 m(3) (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.
- c) Container Level 1 standards.
 - 1) A container using Container Level 1 controls is one of the following:
 - A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.
 - B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).
 - C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container such that no hazardous waste is exposed to the

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atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.

- 2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) of this Section must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability, the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.

- 3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

- i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

- ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

- i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill.

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Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container, as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the container internal pressure in accordance with the design specifications of the container. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

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E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator of containers using Container Level 1 controls must inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied ~~(i.e., does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b))~~, the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722. Appendix A (USEPA Forms 8700-22 and 8700-22A), as required under Section 725.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar

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days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

5) The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m(3) (120 gal) or greater, which do not meet applicable USDOT regulations as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.

d) Container Level 2 standards.

1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as specified in subsection (f) of this Section.

B) A container that operates with no detectable organic emissions, as defined in Section 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.

2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i) In the case when the container is filled to the

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intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

- ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

- i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the

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cover, as applicable to the container.

- D) Opening of a spring-loaded, pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

- E) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied ~~(i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b))~~ within 24 hours after the container arrives at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform

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Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722.22, Appendix A (USEPA Forms 8700-22 and 8700-22A), as required under Section 725.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

e) Container Level 3 standards.
1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) of this Section.

B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.

2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or

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electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) of this Section.

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and monitor the closed-vent systems and control devices, as specified in Section 725.988.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 725.990(d).

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as follows:

1) The container meets the applicable requirements specified in 49 CFR 178, "Specifications for Packaging", or 49 CFR 179, "Specifications for Tank Cars", both incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, subpart B, "Exemptions"; 49 CFR 172, "Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements"; 49 CFR 173, "Shippers--General Requirements for Shipments and Packages"; and 49 CFR 180, "Continuing Qualification and Maintenance of Packagings", each incorporated by reference in 35 Ill. Adm. Code 720.111.

3) For the purpose of complying with this Subpart, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.

4) For a lab pack that is managed in accordance with the requirements of 49 CFR 178 for the purpose of complying with this Subpart, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b), incorporated by reference in 35 Ill. Adm. Code 720.111.

g) To determine compliance ~~the owner or operator shall use the procedure specified in--Section 725.984(d) for determining a container operates with the no detectable organic emissions requirements of for--the~~

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purpose--of--complying--with subsection (d)(1)(B) of this Section, the procedure specified in Section 725.984(d) must be used.

- 1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.
- 2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.
- h) Procedure for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section.
 - 1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) A pressure measurement device must be used that has a precision of ± 2.5 mm (0.10 inch) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.
 - 3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.988 Standards: Closed Vent Systems and Control Devices

- a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart.
- b) The closed-vent system must meet the following requirements:
 - 1) The closed-vent system must route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) of this Section.
 - 2) The closed-vent system must be designed and operated in accordance with the requirements specified in Section 725.933(j).

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- 3) When the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator as specified in subsection (b)(3)(A) of this Section or a seal or locking device as specified in subsection (b)(3)(B) of this Section. For the purpose of complying with this subsection, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices.

- A) If a flow indicator is used to comply with this subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For the purposes of this subsection, a flow indicator means a device which indicates the presence of either gas or vapor flow in the bypass line.
- B) If a seal or locking device is used to comply with this subsection (b)(3), the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle or damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.
- 4) The closed-vent system must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 725.933(k).
- c) The control device must meet the following requirements:
 - 1) The control device must be one of the following devices:
 - A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;
 - B) An enclosed combustion device designed and operated in accordance with the requirements of Section 725.933(c); or
 - C) A flare designed and operated in accordance with the requirements of Section 725.933(d).
 - 2) The owner or operator that elects to use a closed-vent system and control device to comply with the requirements of this Section shall comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(G) of this Section.
 - A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection **subsections** (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must

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- not exceed 240 hours per year.
- B) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during periods of planned routine maintenance.
- C) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during a control device system malfunction.
- D) The owner or operator shall demonstrate compliance with the requirements of subsection (c)(2)(A) of this Section (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsection subsections (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must not exceed 240 hours per year) by recording the information specified in Section 725.990(e)(1)(B).
- E) The owner or operator shall correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.
- F) The owner or operator shall operate the closed-vent system so that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally), except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.
- 3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) of this Section shall operate and maintain the control device in accordance with the following requirements:
- A) Following the initial startup of the control device, all activated carbon in the control device must be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 725.933(g) or 725.933(h).
- B) All carbon that is a hazardous waste and that is removed from the control device must be managed in accordance with the requirements of Section 725.933(m), regardless of the average volatile organic concentration of the carbon.
- 4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) of this Section shall operate and maintain the control device in accordance with the requirements of Section 725.933(i).
- 5) The owner or operator shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) of this Section as follows:

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- A) An owner or operator shall demonstrate using either a performance test, as specified in subsection (c)(5)(C) of this Section, or a design analysis, as specified in subsection (c)(5)(D) of this Section, the performance of each control device except for the following:
- A flare;
 - A boiler or process heater with a design heat input capacity of 44 megawatts or greater;
 - A boiler or process heater into which the vent stream is introduced with the primary fuel;
 - A boiler or industrial furnace burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 and has designed and operates in accordance with the requirements of 35 Ill. Adm. Code 726.Subpart H; or
 - A boiler or industrial furnace burning hazardous waste for which the owner or operator has designed and operates in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.
- B) An owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in Section 725.933(e).
- C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) of this Section, the owner or operator shall use the test methods and procedures specified in Section 725.934(c)(1) through (c)(4).
- D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) of this Section, the design analysis must meet the requirements specified in Section 725.935(b)(4)(C).
- E) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) of this Section based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.
- 6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis, then the disagreement must be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) of this Section. The Agency may choose to have an authorized representative observe the performance test.
- 7) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.933(f)(2) and (k). The readings from each monitoring device required by Section

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725.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 725.990 Recordkeeping Requirements

a) Each owner or operator of a facility subject to the requirements in this Subpart shall record and maintain the information specified in subsections (b) through (j) of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsection (j) of this Section, records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsections (i) and (j) of this Section must be maintained in the operating record for as long as the waste management unit tank or container is not using air emission controls specified in Sections 725.985 through 724.984-through-724-987, in accordance with the conditions specified in Section 725.980(d) or (b)(7), respectively 724-984(f).

b) The owner or operator of a tank using air emission controls in accordance with the requirements of Section 725.985 shall prepare and maintain records for the tank that include the following information:

1) For each tank using air emission controls in accordance with the requirements of Section 725.985 of this Subpart, the owner or operator shall record:

A) A tank identification number (or other unique identification description as selected by the owner or operator).

B) A record for each inspection required by Section 725.985 that includes the following information:

- i) Date inspection was conducted.
- ii) For each defect detected during the inspection, the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.985, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

2) In addition to the information required by subsection (b)(1) of

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this Section, the owner or operator shall record the following information, as applicable to the tank:

A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 725.985(c) shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 725.985(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.

B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(e) shall prepare and maintain documentation describing the floating roof design.

C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(f) shall prepare and maintain the following records:

i) Documentation describing the floating roof design and the dimensions of the tank.

ii) Records for each seal gap inspection required by Section 725.985(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 725.985(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.

D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 725.985(i) shall prepare and maintain the following records:

i) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.

ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.

c) The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of Section 725.986 shall prepare and maintain records for the surface impoundment that include

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the following information:

- 1) A surface impoundment identification number (or other unique identification describing as selected by the owner or operator).
- 2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 725.986(c).
- 3) A record for each inspection required by Section 725.986 that includes the following information:
 - A) Date inspection was conducted.
 - B) For each defect detected during the inspection the following information: the location of the defect, a descriptive action the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.986(f), the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.
- 4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in subsection (e) of this Section.
- d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 725.987 shall prepare and maintain records that include the following information:
 - 1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 725.988 shall prepare and maintain records that include the following information:
 - 1) Documentation for the closed-vent system and control device that includes:
 - A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) of this Section or by performance tests as specified in subsection (e)(1)(C) of this Section when the tank, surface

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- impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.
- B) If a design analysis is used, then design documentation, as specified in Section 725.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 725.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.
 - C) If performance tests are used, then a performance test plan as specified in Section 725.935(b)(3) and all test results.
 - D) Information as required by Section 725.935(c)(1) and (c)(2), as applicable.
 - E) An owner or operator shall record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.
 - i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.
 - ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.
 - F) An owner or operator shall record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) of this Section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.
 - i) The occurrence and duration of each malfunction of the control device system.
 - ii) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.
 - iii) Actions taken during periods of malfunction to restore

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a malfunctioning control device to its normal or usual manner of operation.

- G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 725.988(c)(3)(B).

- f) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 725.983(c) of this Subpart shall prepare and maintain the following records, as applicable:

- 1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 725.983(c)(1) or 725.984(c)(2)(A) through (c)(2)(E) ~~of this Subpart~~, the owner or operator shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of Section 725.984 of this Subpart.

- 2) For tanks, surface impoundments, or containers exempted under the provisions of Section 725.983(c)(2)(G) ~~or (c)(2)(E) of this Subpart~~, the owner or operator shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

- g) An owner or operator designating a cover as "unsafe to inspect and monitor" pursuant to Section 725.985(1) shall record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor", the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

- h) The owner or operator of a facility that is subject to this Subpart and to the control device standards in 40 CFR 60, Subpart VV, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 270.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

- i) For each tank or container not using air emission controls specified in Sections 725.985 through 725.988 in accordance with the conditions specified in Section 725.980(d), the owner or operator shall record and maintain the following information:

- 1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 725.980(d)(1).
- 2) A description of how the hazardous waste containing the organic

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peroxide compounds identified pursuant to subsection (i)(1) are managed at the facility in tanks and containers. This description must include the following information:

- A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedure used to ultimately dispose of the hazardous waste managed in the tanks.
 - B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each container: a facility identification number for the container or group of containers; the purpose and placement of this container or group of containers in the management train of this hazardous waste; and the procedures used to ultimately dispose of the hazardous waste handled in the containers.
- 3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section in the tanks or containers identified pursuant to subsection (1)(2) of this Section would create an undue safety hazard if the air emission controls specified in Sections 725.985 through 725.988 were installed and operated on these waste management units. This explanation must include the following information:
- A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart, would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.
 - B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the containers would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart, would not address those situations in which evacuation of containers equipped with these air emission

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controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

- 1) For each hazardous waste management unit not using air emission controls specified in Sections 265.985 through 265.988 in accordance with the provisions of Section 265.980(b)(7), the owner and operator shall record and maintain the following information:

- 1) The certification that the waste management unit is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air regulation codified under 40 CFR 60, 61, or 63.
- 2) An identification of the specific federal requirements codified under 40 CFR 60, 61, or 63 with which the waste management unit is in compliance.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

POLLUTION CONTROL BOARD

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Section 725.APPENDIX F Compounds With Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

Compound name	CAS No.
Acetaldol	107-89-1
Acetamide	60-35-5
2-Acetylaminofluorene	53-96-3
3-Acetyl-5-hydroxypiperidine	618-42-8
3-Acetylpiperidine	591-08-2
1-Acetyl-2-thiourea	79-06-1
Acrylamide	79-10-7
Acrylic acid	73-24-5
Adenine	124-04-9
Adipic acid	111-69-3
Adiponitrile	15972-60-8
Alachlor	116-06-3
Aldicarb	834-12-8
Ametryn	92-67-1
4-Aminobiphenyl	504-24-5
4-Aminopyridine	62-53-3
Aniline	90-04-0
o-Anisidine	84-65-1
Anthraquinone	1912-24-9
Atrazine	98-05-5
Benzenearsonic acid	98-11-3
Benzenesulfonic acid	92-87-5
Benzidine	56-55-3
Benzo(a)anthracene	207-08-9
Benzo(k)fluoranthene	65-85-0
Benzoic acid	191-24-2
Benzo(g,h,i)perylene	50-32-8
Benzo(a)pyrene	100-51-6
Benzyl alcohol	58-89-9
gamma-BHC	117-81-7
Bis(2-ethylhexyl)phthalate	1689-84-5
Bromochloromethyl acetate	107-92-6
Bromoxynil (3,5-Dibromo-4-hydroxybenzonitrile)	105-60-2
Butyric acid	120-80-9
Caprolactam (hexahydro-2H-azepin-2-one)	9004-34-6
Catechol(o-dihydroxybenzene)	
Cellulose	
Cell wall	
Chlorhydrin (3-Chloro-1,2-propanediol)	96-24-2
Chloroacetic acid	79-11-8
2-Chloroacetophenone	93-76-5
p-Chloroaniline	106-47-8
p-Chlorobenzophenone	134-85-0

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Chlorobenzilate	510-15-6
p-Chloro-m-cresol (6-chloro-m-cresol)	59-50-7
3-Chloro-2,5-diketopyrrolidine	
Chloro-1,2-ethane diol	106-48-9
4-Chlorophenol	95-57-8 & 106-48-9
Chlorophenol polymers (2-chlorophenol & 4-chlorophenol)	
1-(O-Chlorophenyl)thiourea	5344-82-1
Chrysene	218-01-9
Citric acid	77-92-9
Creosote	8001-58-9
m-Cresol	108-39-4
o-Cresol	95-48-7
p-Cresol	106-44-5
Cresol (mixed isomers)	1319-77-3
4-Cumylphenol	27576-86
Cyanide	57-12-5
4-Cyanomethyl benzoate	333-41-5
Diazinon	53-70-3
Dibenzo(a,h)anthracene	1689-84-5
3,5-Dibromo-4-hydroxybenzonitrile	84-74-2
Dibutylphthalate	95-82-9
2,6-Dichloroaniline (N,N'-dichloroaniline)	1194-65-6
2,6-Dichlorobenzonitrile	99-30-9
2,6-Dichloro-4-nitroaniline	333-41-5
2,5-Dichlorophenol	3511-19
3,4-Dichlorotetrahydrofuran	52-73-7 & 6-47-8
Dichlorvos (DDVP)	111-42-2
Diethanolamine	91-66-7
N,N-Diethylaniline	111-46-6
Diethylene glycol	111-96-6
Diethylene glycol dimethyl ether (dimethyl Carbitol)	112-34-5
Diethylene glycol monobutyl ether (butyl Carbitol)	
Diethylene glycol monoethyl ether acetate (Carbitol acetate)	112-15-2
Diethylene glycol monoethyl ether (Carbitol Cellosolve)	111-90-0
Diethylene glycol monomethyl ether (methyl Carbitol)	111-77-3
N,N'-Diethylhydrazine	1615-80-1
Diethyl(4-methylumbelliferyl)thionophosphate	299-45-6
Diethylphosphorothioate	126-75-0
N,N'-Diethylpropionamide	15299-99-7
Dimethoate	60-51-5
2,3-Dimethoxystrychnidin-10-one	357-57-3
4-Dimethylaminoazobenzene	60-11-7
7,12-Dimethylbenz(a)anthracene	57-97-6
3,3-Dimethylbenzidine	119-93-7

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Dimethylcarbomoyl chloride	79-44-7
Dimethylsulfide	624-92-0
Dimethylformamide	68-12-2
1,1-Dimethylhydrazine	57-14-7
Dimethylphthalate	131-11-3
Dimethylsulfone	67-71-0
Dimethylsulfoxide	67-68-5
2,3-Dimethoxystrychnidin-10-one	357-57-3
4,6-Dinitro-o-cresol	534-52-1
1,2-Diphenylhydrazine	122-66-7
Dipropylene glycol (1,1'-oxydi-2-propanol)	110-98-5
Endrin	72-20-8
Epinephrine	51-43-4
mono-Ethanolamine	141-43-5
Ethyl carbamate (urethane)	51-79-6
Ethylene glycol	107-21-1
Ethylene glycol monobutyl ether (butyl Cellosolve)	111-76-2
Ethylene glycol monoethyl ether (Cellosolve)	110-80-5
Ethylene glycol monoethyl ether acetate (Cellosolve acetate)	
Ethylene glycol monomethyl ether (methyl Cellosolve)	111-15-9
Ethylene glycol monophenyl ether (phenyl Cellosolve)	109-86-4
Ethylene glycol monopropyl ether (propyl Cellosolve)	122-99-6
Ethylene thiourea (2-imidazolidinethione)	2807-30-9
4-Ethylmorpholine	9-64-57
3-Ethylphenol	100-74-3
Fluoroacetic acid, sodium salt	620-17-7
Formaldehyde	62-74-8
Formamide	50-00-0
Formic acid	75-12-7
Fumaric acid	64-18-6
Glutaric acid	110-17-8
Glycerin (Glycerol)	110-94-1
Glycidol	56-81-5
Glycinamide	556-52-5
Glyphosate	598-41-4
Guthion	1071-83-6
Hexamethylene-1,6-diisocyanate (1,6-diisocyanatohexane)	86-50-0
Hexamethyl phosphoramide	822-06-0
Hexanoic acid	680-31-9
Hydrazine	142-62-1
Hydrocyanic acid	302-01-2
Hydroquinone	74-90-8
Hydroxy-2-propionitrile (hydracrylonitrile)	123-31-9
Indeno(1,2,3-cd)pyrene	109-78-4
Lead acetate	193-39-5
Lead subacetate (lead acetate, monobasic)	301-04-2
Leucine	1335-32-6
	61-90-5

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Malathion	121-75-5
Maleic acid	110-16-7
Maleic anhydride	108-31-6
Mesityl oxide	141-79-7
Methane sulfonic acid	75-75-2
Methomyl	16752-77-5
p-Methoxyphenol	150-76-5
Methylacrylate	96-33-3
4,4'-Methylene-bis-(2-chloroaniline)	101-14-4
4,4'-Methylenediphenyl diisocyanate (diphenyl methane diisocyanate)	101-68-8
4,4'-Methylenedianiline	101-77-9
Methylene diphenylamine (MDA)	620-02-0
5-Methylfurfural	60-34-4
Methylhydrazine	66-27-3
Methyliminoacetic acid	298-00-0
Methyl methane sulfonate	77-78-1
1-Methyl-2-methoxyaziridine	106-45-6
Methylparathion	44-43-5
Methyl sulfuric acid (sulfuric acid, dimethyl ester)	123-39-7
4-Methylthiophenol	142-59-6
Monocethanamine	90-15-3
Monomethylformamide (N-methylformamide)	135-19-3
Nabam	134-32-7
a-Naphthol	91-59-8
B-Naphthol	126-30-7
a-Naphthylamine	98-92-0
B-Naphthylamine	88-74-4
Neopentyl glycol	55-63-0
Niacinamide	88-75-5
O-Nitroaniline	100-02-7
Nitroglycerin	62-75-9
2-Nitrophenol	674-81-7
4-Nitrophenol	684-93-5
N-Nitrosodimethylamine	59-89-2
Nitroguanidine	144-62-7
N-Nitroso-n-methylurea	56-38-2
N-Nitrosomorpholine (4-nitrosomorpholine)	115-77-5
Oxalic acid	62-44-2
Parathion	108-95-2
Pentaerythritol	103-82-2
Phenacetin	108-45-2
Phenol	95-54-5
Phenylacetic acid	106-50-3
m-Phenylene diamine	62-38-4
o-Phenylene diamine	
p-Phenylene diamine	
Phenyl mercuric acetate	

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Phorate	298-02-2
Phthalic anhydride	85-44-9
a-Picoline (2-methyl pyridine)	109-06-8
1,3-Propane sulfone	1120-71-4
b-Propiolactone	57-57-8
Proporur (Baygon)	57-55-6
Propylene glycol	129-00-0
Pyrene	39416-48-3
Pyridinium bromide	91-22-5
Quinoline	106-51-4
Quinone (p-benzoquinone)	108-46-3
Resorcinol	122-34-9
Simazine	127-09-3
Sodium acetate	141-53-7
Sodium formate	57-24-9
Strychnine	110-15-6
Succinic acid	123-56-8
Succinimide	121-47-1
Sulfanilic acid	100-21-0
Terephthalic acid	112-57-2
Tetraethyldithiopyrophosphate	3689-24-5
Tetraethylenepentamine	39196-18-4
Thiofanox	79-19-6
Thiosemicarbazide	95-80-7
2,4-Toluenediamine	823-40-5
2,6-Toluenediamine	496-72-0
3,4-Toluenediamine	584-84-9
2,4-Toluene diisocyanate	99-94-5
p-Toluic acid	108-44-1
m-Toluidine	76-13-1
1,1,2-Trichloro-1,2,2-trifluoroethane	102-71-6
Triethanolamine	24800-44-0
Triethylene glycol dimethyl ether	81-81-2
Tripropylene glycol	95-65-8
Warfarin	
3,4-Xylenol (3,4-dimethylphenol)	

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Land Disposal Restrictions

2) Code Citation: 35 Ill. Adm. Code 728

3) Section Numbers Proposed Action:

728.102	Amended
728.103	Amended
728.104	Amended
728.107	Amended
728.133	Added
728.134	Added
728.140	Amended
728.142	Amended
728.144	Amended
728.145	Amended
728.149	Added
728-Appendix G	Amended
728-Appendix H	Amended
728-Table I	Amended
728-Table T	Amended
728-Table U	Amended

4) Statutory Authority: 415 ILCS 5/22.4 and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 17, 1998, proposing amendments in consolidated dockets R98-21/R99-2/R99-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

R98-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.

R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.

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R99-7

Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

62 Fed. Reg. 37699 (July 14, 1997) USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.

62 Fed. Reg. 45568 (August 28, 1997) USEPA issued a second emergency extension of the alternative treatment standards for carbamate wastes for one year, until August 26, 1998.

62 Fed. Reg. 64503 (December 5, 1997) USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656 (December 8, 1997) USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503 (April 15, 1998) USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

63 Fed. Reg. 24595 (May 4, 1998) USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963 (May 6, 1998) USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

63 Fed. Reg. 28555 (May 26, 1998) USEPA adopted "Phase IV" land disposal restrictions.

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63 Fed. Reg. 33781
(June 19, 1998)

USEPA partially adopted the hazardous waste combustion rules.

63 Fed. Reg. 35147
(June 29, 1998)

USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has already taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997, in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997, federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

63 Fed. Reg. 42580
(August 10, 1998)

USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331
(August 31, 1998)

Technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 48124
(September 9, 1998)

USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394
(September 15, 1997)

USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

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63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

62 Fed. Reg. 48394
(September 15, 1997)

Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

62 Fed. Reg. 64503
(December 5, 1997)

Clarification of when a treatment variance is available.

62 Fed. Reg. 64656
(December 8, 1997)

Clarifying and corrective amendments to the Subpart CC rules.

63 Fed. Reg. 18503
(April 15, 1998)

Pulp and paper industry sector standards.

63 Fed. Reg. 24595
(May 4, 1998)

Organobromine chemicals waste rules.

63 Fed. Reg. 24963
(May 6, 1998)

Used oil mixtures rules for PCB-contaminated oils.

63 Fed. Reg. 28555
(May 26, 1998)

"Phase IV" land disposal restrictions.

63 Fed. Reg. 33781
(June 19, 1998)

Hazardous waste combustion rules.

63 Fed. Reg. 35147
(June 29, 1998)

Technical amendments to the organobromine waste rules.

63 Fed. Reg. 38756
(July 20, 1998)

Correction to 40 C.F.R. 136.3(e), table.

63 Fed. Reg. 42580
(August 10, 1998)

Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.

63 Fed. Reg. 44146
(August 18, 1998)

Correction to 40 C.F.R. 136.3(e), table.

63 Fed. Reg. 46331
(August 31, 1998)

Technical amendments to the organobromine waste rules.

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- 63 Fed. Reg. 48124
(September 9, 1998)
- Extension of the Phase IV LDR compliance deadline.

Specifically, the amendments to Part 728 include segments of the federal December 5, 1997, treatability variance clarifications, the May 4, 1998, organobromine waste rules, the May 26, 1998, Phase IV LDR amendments, and the corrections of June 29, August 31, and September 9, 1998.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 728 includes a number of documents incorporated by reference, none of those incorporations are amended by the present amendments.

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of statewide policy objectives: This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R98-21/R99-2/R99-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman at 312-814-3620.

POLLUTION CONTROL BOARD

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- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

- 13) Regulatory Agenda on which this rulemaking was summarized: January and July 1998

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
728.101	Definitions
728.102	Dilution Prohibited as a Substitute for Treatment
728.103	Treatment Surface Impoundment Exemption
728.104	Procedures for case-by-case Extensions to an Effective Date
728.105	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.106	Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.107	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.108	Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	Waste Specific Prohibitions
728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment exemptions

Section	Waste Specific Prohibitions
728.130	Waste Specific Prohibitions -- Wood Preserving Wastes
728.131	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.132	Waste Specific Prohibitions -- California List Wastes (Repealed)
728.133	Waste Specific Prohibitions -- Organobromine Wastes First--Third Wastes--(Repealed)
728.134	Waste Specific Prohibitions -- Toxicity Characteristic Metal Wastes Second--Third Wastes--(Repealed)
728.135	Waste Specific Prohibitions -- Third Third Wastes (Repealed)
728.136	Waste Specific Prohibitions -- Newly Listed Wastes (Repealed)
728.137	Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.138	Waste-Specific Prohibitions: Newly-Identified Organic Toxicity

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Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes

728.139 Waste-Specific Prohibitions: End-of-pipe CWA, CWA-Equivalent, and Class I Nonhazardous Waste Injection Well Treatment Standards; Spent Aluminum Potliners; and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section	Applicability of Treatment Standards
728.140	Treatment Standards Expressed as Concentrations in Waste Extract
728.141	Treatment Standards Expressed as Specified Technologies
728.142	Treatment Standards Expressed as Waste Concentrations
728.143	Adjustment of Treatment Standard
728.144	Treatment Standards for Hazardous Debris
728.145	Alternative Treatment Standards Based on HWMR
728.146	Universal Treatment Standards
728.147	Alternative LDR Treatment Standards for Contaminated Soil

SUBPART E: PROHIBITIONS ON STORAGE

Section	Prohibitions on Storage of Restricted Wastes
728.150	Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)

Section	Prohibitions on Storage of Restricted Wastes
APPENDIX A	Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)
APPENDIX B	List of Halogenated Organic Compounds (Repealed)
APPENDIX C	Wastes Excluded from Lab Packs
APPENDIX D	Organic Lab Packs (Repealed)
APPENDIX E	Technologies to Achieve Deactivation of Characteristics
APPENDIX F	Federal Effective Dates
APPENDIX G	National Capacity LDR Variances for UIC Wastes
APPENDIX H	EP Toxicity Test Method and Structural Integrity Test
APPENDIX I	Recordkeeping, Notification, and Certification Requirements (Repealed)
APPENDIX J	Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit According to Section 728.103(c)
APPENDIX K	Constituent Concentrations in Waste Extract (CCWE)

Section	Prohibitions on Storage of Restricted Wastes
TABLE A	Constituent Concentrations in Wastes (CCW)
TABLE B	Technology Codes and Description of Technology-Based Standards
TABLE C	Technology-Based Standards by RCRA Waste Code
TABLE D	Standards for Radioactive Mixed Waste
TABLE E	Alternative Treatment Standards for Hazardous Debris
TABLE F	Alternative Treatment Standards Based on HWMR
TABLE G	Wastes Excluded from CCW Treatment Standards
TABLE H	Generator Paperwork Requirements
TABLE I	

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TABLE T Treatment Standards for Hazardous Wastes
TABLE U Universal Treatment Standards (UTS)

AUTHORITY: Implementing Sections 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R91-21/R98-3/R98-5 at 22 Ill. Reg. 17706, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 22 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 728.102 Definitions

When used in this Part the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, or 721.102 through 721.104.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: a manufactured object; plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in Subpart D

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of this Part, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals, such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"End-of-pipe" refers to the point where effluent is discharged to the environment.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond that are listed under Appendix C.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721. Appendix H.

"Hazardous debris" means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721. Subpart D or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721. Subpart C.

"Inorganic metal-bearing waste" is one for which USEPA has established treatment standards for metal hazardous constituents that does not otherwise contain significant organic or cyanide content, as described in Section 728.103(b)(1), and which is specifically listed in Section 728. Appendix K.

"Inorganic solid debris" are nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve and that require cutting or crushing or grinding in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:

Metal slags (either dross or scoria).

Glassified slag.

Glass.

Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes).

Masonry and refractory bricks.

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Metal cans, containers, drums, or tanks.

Metal nuts, bolts, pipes, pumps, valves, appliances, or industrial equipment.

Scrap metal, as defined in 35 Ill. Adm. Code 721.101(c)(6).

"Land disposal" means placement in or on the land, except in a corrective action management unit, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine, or cave or placement in a concrete vault or bunker intended for disposal purposes.

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111.

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1996), or similar regulations in other States with RCRA programs authorized by USEPA pursuant to 40 CFR 271 (1996).

"Soil" means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles, as classified by the U.S. Soil Conservation Service, or a mixture of such materials with liquids, sludges, or solids that is inseparable by simple mechanical removal, processes and which is made up primarily of soil by volume based on visual inspection.

"Stormwater impoundments" are surface impoundments that receive wet weather flow and which receive process waste only during wet weather events.

"Underlying hazardous constituent" means any constituent listed in Section 728. Table U, "Universal Treatment Standards (UTS)", except fluoride, selenium, sulfides, vanadium, and zinc, that can reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standard.

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"U.S. EPA" or "USEPA" means the United States Environmental Protection Agency.

"Wastewaters" are wastes that contain less than 1% by weight total organic carbon (TOC) and less than 1% by weight total suspended solids (TSS).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 728.103 Dilution Prohibited as a Substitute for Treatment

a) Except as provided in subsection (b) of this Section, no generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with Subpart D of this Part, to circumvent the effective date of a prohibition in Subpart C of this Part, or to otherwise avoid a prohibition in Subpart C of this Part, or to circumvent a land disposal restriction imposed by RCRA section 3004.

b) Dilution of waste that is hazardous only because it exhibits a characteristic of hazardous waste in a treatment system that treats wastes subsequently discharged to a water of the State pursuant to an NPDES permit issued under 35 Ill. Adm. Code 309, that treats wastes in a CWA-equivalent treatment system, that treats wastes for purposes of a pretreatment requirements under 35 Ill. Adm. Code 310 is not impermissible dilution for purposes of this Section unless a method other than DEACT has been specified in Section 728.140 as the treatment standard or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

c) Combustion of waste designated by any of the USEPA hazardous waste codes listed in Section 728. Appendix J is prohibited, unless the waste can be demonstrated to comply with one or more of the following criteria at the point of generation or after any bona fide treatment, such as cyanide destruction prior to combustion (unless otherwise specifically prohibited from combustion):

- 1) The waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard found in Section 728.148;
- 2) The waste consists of organic, debris-like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal-bearing hazardous waste;
- 3) The waste has reasonable heating value, such as greater than or equal to 5000 Btu Btu per pound, at the point of generation;
- 4) The waste is co-generated with wastes for which combustion is a required method of treatment;
- 5) The waste is subject to any federal or state requirements

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necessitating reduction of organics (including biological agents); or

6) The waste contains greater than one percent Total Organic Carbon (TOC).

- d) It is a form of impermeable dilution, and therefore prohibited, to add iron filings or other metallic forms of iron to lead-containing hazardous wastes in order to achieve any land disposal restriction treatment standard for lead. Lead-containing wastes include D008 wastes (wastes exhibiting a characteristic due to the presence of lead), all characteristic wastes containing lead as an underlying hazardous constituent, listed wastes containing lead as a regulated constituent, and hazardous media containing any of the aforementioned lead-containing wastes.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 728.104 Treatment Surface Impoundment Exemption

- a) Wastes which are otherwise prohibited from land disposal under this Part may be treated in a surface impoundment or series of impoundments provided that all of the following conditions are fulfilled:

- 1) Treatment of such wastes occurs in the impoundments;
- 2) The following conditions are met:
 - A) Sampling and testing. For wastes with treatment standards in Subpart D or prohibition levels in Subpart C, the residues from treatment are analyzed, as specified in Section 728.107 or 728.132, to determine if they meet the applicable treatment standards or, where no treatment standards have been established for the waste, the applicable prohibition levels. The sampling method, specified in the waste analysis plan under 35 Ill. Adm. Code 724.113 or 725.113, must be designed such that representative samples of the sludge and the supernatant are tested separately rather than mixed to form homogeneous samples.
 - B) Removal. The following treatment residues (including any liquid waste) must be removed at least annually: residues which do not meet the treatment standards promulgated under Subpart D of this Part; residues which do not meet the prohibition levels established under Subpart C of this Part or imposed by federal statute Section 728.139 (where no treatment standards have been established); residues which are from the treatment of wastes prohibited from land disposal under Subpart C of this Part (where no treatment standards have been established and no prohibition levels apply); or residues from managing listed wastes that which are not delisted under 35 Ill. Adm. Code 720.122. However,

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~~residues which are the subject of a valid certification under Section 728.108 made no later than a year after placement of the wastes in an impoundment are not required to be removed annually.~~ If the volume of liquid flowing through the impoundment or series of impoundments annually is greater than the volume of the impoundment or impoundments, this flow-through constitutes removal of the supernatant for the purpose of this requirement.

C) Subsequent management. Treatment residues must not be placed in any other surface impoundment for subsequent management ~~unless the residues are the subject of a valid certification under Section 728.108 which allows disposal in surface impoundments meeting the requirements of Section 728.108(a).~~

- D) Recordkeeping. Sampling, testing, and recordkeeping provisions of 35 Ill. Adm. Code 724.113 or 725.113 apply;
- 3) The impoundment meets the design requirements of 35 Ill. Adm. Code 724.321(c) or 725.321(a) even though the unit may not be new, expanded or a replacement, and must be in compliance with applicable groundwater monitoring requirements of 35 Ill. Adm. Code 724.321(d) or 725.321(e), unless any of the following conditions is fulfilled:

- A) The impoundment is exempted pursuant to 35 Ill. Adm. Code 724.321(d) or (e), or to 35 Ill. Adm. Code 725.321(c) or (d);
- B) Upon application by the owner or operator, the Agency has by permit provided that the requirements of this Part do not apply on the basis that the surface impoundment fulfills all of the following conditions:
 - i) The impoundment has at least one liner, for which there is no evidence that such liner is leaking;
 - ii) The impoundment is located more than one-quarter mile from an underground source of drinking water; and
 - iii) The impoundment is in compliance with generally applicable groundwater monitoring requirements for facilities with permits; or
- C) Upon application by the owner or operator, the Board has, pursuant to 35 Ill. Adm. Code 106, granted an adjusted standard from the requirements of this Part. The justification for such an adjusted standard shall be a demonstration that the surface impoundment is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time; and
- 4) The owner or operator submits to the Agency a written certification that the requirements of subsection (a)(3) of this Section have been met. The following certification is required:

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I certify under penalty of law that the requirements of 35 Ill. Adm. Code 728.104(a)(3) have been met for all surface impoundments being used to treat restricted wastes. I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

- b) Evaporation of hazardous constituents as the principal means of treatment is not considered to be a treatment for purposes of an exemption under this Section.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities

a) Requirements for generators:

- 1) A generator of a hazardous waste shall determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140, or--Section 728.145, or 728.149. This determination can be made in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing determines the total concentration of hazardous constituents or the concentration of hazardous constituents in an extract of the waste obtained using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure) incorporated by reference in 35 Ill. Adm. Code 720.111, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste's extract. In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in Sections 728.140 and 728.149, and are described in detail in Section 728.149. These wastes and soils contaminated with such wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards must ~~shall~~ be tested). If a generator determines that it is managing a waste or soil contaminated with a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator shall comply with the special requirements of Section 728.109 in addition to any applicable requirements in this Section.
- 2) If the waste or contaminated soil does not meet the treatment standard:--~~With the initial shipment of waste to--each--treatment~~

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or--~~storage-facility~~, the generator shall send a one-time written notice to each treatment or storage facility receiving the waste with the initial shipment of waste to each treatment or storage facility, and the generator shall place a copy of the one-time notice in the file. The notice must include the information in column "728.107(a)(2)" of the Generator Paperwork Requirements Table in Section 728.107(a)(2). No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.

- A) For contaminated soil, the following certification statement should be included, signed by an authorized representative:

I certify under penalty of law that I personally have examined this contaminated soil and it (does/does not) exhibit a characteristic of hazardous waste and requires treatment to meet the soil treatment standards as provided by 35 Ill. Adm. Code 728.149(c).

- B) This subsection (a)(2)(B) corresponds with 40 CFR 268.7(a)(2)(ii), which is marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules. 3) If the waste or contaminated soil meets the treatment standard at the original point of generation:

- A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator shall send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in its own file. The notice must include the information indicated in column "728.107(a)(3)" of the Generator Paperwork Requirements Table in Section 728.107(a)(3) and the following certification statement, signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728.107(a)(3). I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

- B) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each facility receiving the waste and place a copy in the file.

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The notice must include the information in the column headed "(a)(3)" in Section 728. Table I. ~~If the waste changes, the generator shall send a new notice and certification to the receiving facility, and place a copy in its file. Generators of hazardous debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.107(f) are not subject to these requirements.~~

- 4) For reporting, tracking and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed, ~~there--where~~ are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to, case-by-case extensions under Section 728.105, disposal in a no-migration unit under Section 728.106, or a national capacity variance or case-by-case capacity variance under 728. Subpart C of this Part. If a generator's waste is so exempt, then with the initial shipment of waste, the generator shall send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column "728.107(a)(4)" of the Generator Paperwork Requirements Table in Section 728. Table I. If the waste changes, the generator shall send a new notice to the receiving facility, and place a copy in its file.

- 5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.134 to meet applicable LDR treatment standards found at Section 728.140, the generator shall develop and follow a written waste analysis plan that describes the procedures it will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Section 728. Table F, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:
 - A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency;
 - B) Such plan must be kept in the facility's on-site files and made available to inspectors; and
 - C) Wastes shipped off-site pursuant to this subsection (a)(5) of this Section must comply with the notification requirements of subsection (a)(3) of this Section.

- 6) If a generator determines that the waste or contaminated soil is restricted based solely on its knowledge of the waste, all

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supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using the SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, and all waste analysis data must be retained on-site in the generator's files.

- 7) If a generator determines that it is managing a prohibited ~~restricted~~ waste which is excluded from the definition of hazardous or solid waste or which is exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the CWA as specified at 35 Ill. Adm. Code 721.104(a)(2)), ~~that--or which~~ are CWA-equivalent; or that ~~are managed in an underground injection well regulated under 35 Ill. Adm. Code 720),~~ the generator shall place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste in the generating facility's on-site file.

- 8) A generator shall retain a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this Section on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency. The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.

- 9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.142(c), the generator shall fulfill the following conditions:
 - A) With the initial shipment of waste to a treatment facility, the generator shall submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Section 728. Table I and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following:

I certify under penalty of law that I personally have

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examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under 35 Ill. Adm. Code 728.Appendix D and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 35 Ill. Adm. Code 728.142(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.

C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in Section 728.102(i)) need not be determined.

D) The generator shall also comply with the requirements in subsections (a)(6) and (a)(7) of this Section.

10) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) of this Section for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.

b) The owner or operator of a treatment facility shall test its wastes according to the frequency specified in its waste analysis plan, as required by 35 Ill. Adm. Code 724.113 (for permitted TSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3) of this Section.

1) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste extract (TCIP), the owner or operator of the treatment facility shall test an extract of the treatment residues using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111 to assure that the treatment residues extract meets the applicable treatment standards.

2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the

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notice must be placed in the treatment facility's file.

A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.

B) The one-time notice must include the requirements indicated in the following table:

Treatment Facility Paperwork Requirements Table

Section
728.107(b)

Required information

1. USEPA hazardous waste number X

Hazardous-Waste and manifest number of first shipment Manifest-numbers.

2. The waste is subject to the LDRs. X

The constituents of concern for F001-through F005 and F039 waste and underlying hazardous constituents in characteristic wastes (for--wastes that are not managed in a Clean-Water Act--(CWA)---or---EPA-equivalent facility), unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.

3. The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide). X

4. Waste analysis data (when available). X

5. For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d) and the following statement, "this contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as

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- provided by Section 728.149(c). X
 6.57 A certification statement is needed (see applicable Section for exact wording).
- 4) The owner or operator of a treatment facility shall submit a certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state as follows:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A certification is also necessary for contaminated soil and it must state:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 40 CFR 268.49 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- A) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the treatment facility's file.
- B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology listed in Section 728.148 and debris that the Agency has determined does not contain hazardous waste) is subject to the notification and certification requirements of subsection (d) of this Section rather than the certification requirements of this

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- subsection (b)(4).
 C) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in 35 Ill. Adm. Code 728.102(i). I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- D) For characteristic wastes that are subject to the treatment standards in Section 728.140 and Table T of this Part (Other than those expressed as a required method of treatment) that are reasonably expected to contain underlying hazardous constituents as defined in 35 Ill. Adm. Code 728.102(i), that are treated on-site to remove the hazardous characteristic; and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic. The decharacterized waste contains underlying hazardous constituents that require further treatment to meet universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- E) For characteristic wastes that contain underlying hazardous constituents as defined in Section 728.102(i) that are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in Sections 728.148 and Table U universal treatment standards,

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the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic and that underlying hazardous constituents, as defined in 35 Ill. Adm. Code 728.102(i) have been treated on-site to meet the 35 Ill. Adm. Code 268.148 and Table U universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- 5) If the waste or treatment residue will be further managed at a different treatment, or storage, or disposal facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.
- 6) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility pursuant to subsection (b)(3) and (4) of this Section. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(4) of this Section and a notice that includes the information listed in subsection (b)(3) and (4) of this Section (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.
- c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:
 - 1) Maintain in its files copies of the notice and certifications specified in subsection (a) or (b) of this Section.
 - 2) Test the waste, or an extract of the waste or treatment residue developed, using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, to assure that the waste or treatment residue is in compliance with the applicable treatment standards set forth in Subpart D of this Part. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.

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- 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.
- 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) of this Section with respect to such waste.
 - d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 728-Table F of this Part, and debris that has been delisted) is subject to the following notification and certification requirements:
 - 1) A one-time notification must be submitted to the Agency including the following information:
 - A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;
 - B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and
 - C) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the technology from Section 728-Table F of this Part used to treat the debris.
 - 2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.102(e)(1), if a different type of debris is treated or if a different technology is used to treat the debris.
 - 3) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the owner or operator of the treatment facility shall document and certify compliance with the treatment standards of Section 728-Table F of this Part, as follows:
 - A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;
 - B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and
 - C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an

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authorized representative and placed in the facility's files. The certification must state the following:

I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment.

- e) A generator or treater that first receives a determination from USEPA or the Agency that a given contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer contains a listed hazardous waste and generators and treaters that first determine that a contaminated soil subject to LDRs, as provided in Section 728.149(a), no longer exhibits a characteristic of hazardous waste shall do the following:

- 1) Prepare a one-time only documentation of these determinations including all supporting information; and
- 2) Maintain that information in the facility files and other records for a minimum of three years.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 728.133 Waste Specific Prohibitions -- Organobromine Wastes First Third-Wastes-(Repeated)

- a) The waste specified in 35 Ill. Adm. Code 721.132 as USPPA hazardous waste number K140 and in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste number U408 are prohibited from land disposal. In addition, soils and debris contaminated with these wastes, radioactive wastes mixed with these hazardous wastes, and soils and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

- b) The wastes meet the applicable treatment standards specified in Subpart D of this Part;

- 2) The Board has granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to the wastes and units covered by the petition;

- 3) The wastes meet the applicable treatment standards established pursuant to a petition granted under Section 728.144;

- 4) Hazardous debris that has met treatment standards in Sections 728.140 and Table T of this Part or, in the alternative, the treatment standards in Section 728.145; or

- 5) USEPA has granted an extension to the effective date of a prohibition, as described in Section 268.5, with respect to those wastes covered by the extension.

- c) To determine whether a hazardous waste identified in this Section

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exceeds the applicable treatment standards specified in Section 728.140 and Table T, the initial generator shall test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or in the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable universal treatment standard levels of Section 728.148 and Table U of this Part, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 728.134 Waste Specific Prohibitions -- Toxicity Characteristic Metal Wastes Second-Third-Wastes-(Repeated)

- a) The following wastes are prohibited from land disposal: the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers D004 through D011 that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure), and waste, soil, or debris from mineral processing operations that is identified as hazardous by the specifications at 35 Ill. Adm. Code 721.

- b) The following waste is prohibited from land disposal: slag from secondary lead smelting that exhibits the characteristic of toxicity due to the presence of one or more metals.

- c) Effective May 26, 2000, the following wastes are prohibited from land disposal: newly identified characteristic wastes from elemental phosphorus processing; radioactive wastes mixed with USEPA hazardous waste numbers D004 through D011 wastes that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure); or mixed with newly identified characteristic mineral processing wastes, soil, or debris.

- d) until May 26, 2000, newly identified characteristic wastes from elemental phosphorus processing, radioactive waste mixed with USEPA hazardous waste numbers D004 through D011 wastes that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure), or mixed with newly identified characteristic mineral processing wastes, soil, or debris may be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in Section 728.105(h)(2).

- e) The requirements of subsections (a) and (b) of this Section do not apply if any of the following applies to the waste:

- 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;

- 2) The Board has granted an exemption from a prohibition pursuant to

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a petition under Section 728.106, with respect to those wastes and units covered by the petition;

- 3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.144; or

- 4) USEPA has granted an extension to the effective date of a prohibition pursuant to 40 CFR 268.5, with respect to those wastes covered by the extension.

- f) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Section 728.140 and Table T of this Part, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents (including underlying hazardous constituents in characteristic wastes) in excess of the applicable universal treatment standard levels of Section 728.148 and Table U of this Part, the waste is prohibited from land disposal, and all requirements of this Part are applicable, except as otherwise specified.

SUBPART D: TREATMENT STANDARDS

Section 728.140 Applicability of Treatment Standards

- a) A prohibited waste identified in Section 728-Table T of this Part, "Treatment Standards for Hazardous Wastes", may be land disposed only if it meets the requirements found in that Section. For each waste, Section 728-Table T identifies one of three types of treatment standard requirements:

- 1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in that Section for that waste ("total waste standards");
- 2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in that Section ("waste extract standards"); or
- 3) The waste must be treated using the technology specified in that Section ("technology standard"), which is described in detail in Section 728-Table C of this Part, "Technology Codes and Description of Technology-Based Standards".

- b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the test Method 1311, the Toxicity Characteristic Leaching Procedure, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication

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SW-846, incorporated by reference in Section 720.111, must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310, the Extraction Procedure Toxicity Test, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in Section 720.111. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).

- c) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

- d) Notwithstanding the prohibitions specified in subsection (a) of this Section, treatment and disposal facilities may demonstrate (and certify pursuant to 35 Ill. Adm. Code 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Section 728-Table T of this Part, provided the following conditions are satisfied:

- 1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;
 - 2) The treatment or disposal facility has used the methods referenced in subsection (d)(1) of this Section to treat the organic constituents; and
 - 3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents that do not exceed the treatment standards specified in this Section and Section 728-Table T by an order of magnitude.
- e) For a characteristic waste ~~wastes~~ (USEPA hazardous waste number ~~numbers~~ D001 through B003-and-B010-through D043) that is ~~are~~ subject to treatment standards set forth in Section 728-Table T, "Treatment Standards for Hazardous Wastes", and the waste is not managed in a wastewater treatment system that is either regulated under the Clean Water Act (CWA) or one that is CWA-equivalent or the waste is injected into a Class I nonhazardous deep injection well, all underlying hazardous constituents (as defined in Section 728.102(i)) must meet the universal treatment standards, set forth in Section 728-Table U of this Part prior to land disposal, as defined in Section 728.102(c).
- f) The treatment standards for USEPA hazardous waste numbers F001 through F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311, the Toxicity Characteristic

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Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in Section 720.111. If the waste contains any of these three constituents along with any of the other 25 constituents found in USEPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexane, or methanol are not required.

- g) This subsection corresponds with 40 CFR 268.40(g), added at 61 Fed. Reg. 43927 (Aug. 26, 1996), which has expired. This statement maintains structural consistency with the federal rules.
- h) Prohibited USEPA hazardous waste numbers D004 through D011, mixed radioactive wastes and mixed radioactive listed wastes containing metal constituents that were previously treated by stabilization to the treatment standards in effect at that time and then put into storage do not have to be re-treated to meet treatment standards in this Section prior to land disposal.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART D: TREATMENT STANDARDS

Section 728.142 Treatment Standards Expressed as Specified Technologies

- a) The following wastes listed in subsections (a)(1)-(b)(2) below and Section 728-Table T of this Part, "Treatment Standards for Hazardous Wastes," for which standards are expressed as a treatment method rather than a concentration level, and 728-Table-B must be treated using the technology or technologies specified in subsections (a)(1)-(b)(2) below and Section 728-Table C of this Part.

1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70, incorporated by reference in 35 Ill. Adm. Code 720.111, or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725, and 726.

2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1000 mg/kg and liquid HOC-containing wastes that are prohibited under Section 728.132(e)(1) must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 724, Subpart O or 35 Ill. Adm. Code 725, Subpart O. These treatment standards do not apply where the waste is subject to a treatment standard codified

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in 728-Subpart C of this Part for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established under Section 728.141(a)).

- 3) A mixture consisting of wastewater, the discharge of which is subject to regulation under 35 Ill. Adm. Code 309 or 310, and de minimis losses of materials from manufacturing operations in which these materials are used as raw materials or are produced as products in the manufacturing process, and that meet the criteria of the D001 ignitable liquids containing greater than 10% total organic constituents (TOC) subcategory, is subject to the DEACT treatment standard described in Table C of this Part. For purposes of this subsection, "de minimis losses" include:

- A) Those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, or leaks from pipes, valves, or other devices used to transfer materials);
- B) Minor leaks from process equipment, storage tanks, or containers;
- C) Leaks from well-maintained pump packings and seals;
- D) Sample purgings; and
- E) Relief device discharges.

- b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsections (a), above and (c), and (d) of this Section below for wastes or specified specified in Section 728-Table F of this Part for hazardous debris. The applicant shall submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part, 35 Ill. Adm. Code 709, 724, 725, 726, and 729, and Sections 22.6 and 39(h) of the Environmental Protection Act (415 ILCS 5/22.6 and 39(h)) and that the treatment method is protective of human health or the environment. On the basis of such information and any other available information, the Agency shall approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsections (a), above and (c) and (d) below and in Section 728-Table F of this Part, for hazardous debris. Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such approval is issued shall comply with all limitations contained in such determination.

- c) As an alternative to the otherwise applicable treatment standards of 728-Subpart D of this Part, lab packs are eligible for land disposal provided the following requirements are met:

- 1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 724.416 and 725.416;

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the waste analysis requirements for restricted wastes found under Section 728.107.

- g) During the petition review process, the applicant is required to comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

h) Based on a petition filed by a generator or treator of hazardous waste, the Board will grant an adjusted standard from an applicable treatment standard if the petitioner can demonstrate that either of the following applies to treatment of the waste:

- 1) It is not physically possible to treat the waste to the level specified in the treatment standard, or by the method specified as the treatment standard. To show that this is the case, the petitioner must demonstrate that because the physical or chemical properties of the waste differ significantly from waste analyzed in developing the treatment standard, the waste cannot be treated to the specified level or by the specified method; or
- 2) It is inappropriate to require the waste to be treated to the level specified in the treatment standard or by the method specified as the treatment standard, even though such treatment is technically possible. To show that this is the case, the petitioner must demonstrate that either of the following applies to treatment of the waste:

A) Treatment to the specified level or by the specified method is technically inappropriate (for example, resulting in combustion of large amounts of mildly contaminated environmental media where the treatment standard is not based on combustion of such media); or

B) For remediation waste only, treatment to the specified level or by the specified method is environmentally inappropriate because it would likely discourage aggressive remediation.

- 3) For contaminated soil only, treatment to the level or by the method specified in the soil treatment standards would result in concentrations of hazardous constituents that are below (i.e., lower than) the concentrations necessary to minimize short- and long-term threats to human health and the environment. An adjusted standard from a treatment standard granted under this subsection (h)(3) will include the following features:

A) At a minimum, the adjusted standard from the treatment standard will impose an alternative land disposal restriction treatment standard that will achieve the following, using a reasonable maximum exposure scenario:

- i) For carcinogens, it will achieve constituent concentrations that result in the total excess risk to an individual exposed over a lifetime, generally falling within a range from 10^{-4} to 10^{-6} ; and
- ii) For constituents with non-carcinogenic effects, it will achieve constituent concentrations that an individual could be exposed to on a daily basis

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without appreciable risk of deleterious effect during a lifetime.

- B) The treatment adjusted standard will not consider post-land-disposal controls.

- 4) For contaminated soil only, treatment to the level or by the method specified in the soil treatment standards would result in concentrations of hazardous constituents that are below (i.e., lower than) natural background concentrations at the site where the contaminated soil will be land disposed.

- 5) The Board will follow the procedures of Section 28.1 of the Act and 35 Ill. Adm. Code 106 pertaining to public notice and a reasonable opportunity for public comment before granting or denying a petition.

- i) Each petition for a site-specific adjusted treatment standard must include the information in 35 Ill. Adm. Code 720.120(b)(1) through (b)(4).

- j) After receiving a petition for a site-specific adjusted treatment standard, the Board may request any additional information or samples which the Board determines are necessary to evaluate the petition.

- k) A generator, treatment facility or disposal facility which is managing a waste covered by a site-specific adjusted treatment standard shall comply with the waste analysis requirements for restricted wastes in Section 728.107.

- l) During the petition review process, the petitioner for a site-specific adjusted treatment standard shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.

- m) For any adjusted standard from a treatment standard, the petitioner must also demonstrate that compliance with the requested adjusted standard is sufficient to minimize threats to human health and the environment posed by land disposal of the waste. In evaluating this demonstration, the Board will take into account whether the adjusted standard should be granted if the subject waste is to be used in a manner constituting disposal pursuant to Sections 728.120 through 728.123. If USEPA grants a treatment exception by regulatory action pursuant to 40 CFR 268.44 (f)(9)(6) and a person demonstrates that the treatment exception needs to be adopted as part of the Illinois RRA program because the waste is generated or managed in Illinois, the Board will adopt the treatment exception by identical in substance rulemaking pursuant to Sections 22.4(f) of the Environmental Protection Act.

BOARD-NOTICE-When the Board will adopt the treatment exception during a RCRA update-Bocket-if a timely demonstration is made-Otherwise-the Board will assign the matter to a separate Bocket-This subsection (m) is not derived directly from a federal regulation-Corresponding 40-CFR-264-1030(f)-is marked "reserved"-by USEPA-

- n) This subsection (n) corresponds with 40 CFR 264.1030(n), marked "reserved" by USEPA. This statement maintains structural consistency

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with USEPA rules.

- o) The facilities listed in Section 728-Table H are excluded from the treatment standards under Section 728.143(a) and 728-Table B, and are subject to the constituent concentrations listed in Section 728-Table H.

- p) If USEPA grants a treatability exception by regulatory action pursuant to 40 CFR 268.44 (1996) and a person demonstrates that the treatability exception needs to be adopted as part of the Illinois RCRA program because the waste is generated or managed in Illinois, the Board will adopt the treatability exception by identical in substance rulemaking pursuant to Section 22.4(a) of the Environmental Protection Act. ~~This subsection (p) corresponds with 40-CFR-244.1030(f) which is a site-specific regulation that applies to a facility outside Illinois. This statement maintains structural consistency with USEPA rules.~~

BOARD NOTE: The Board will adopt the treatability exception during a RCRA update Docket if a timely demonstration is made. Otherwise, the Board will assign the matter to a separate Docket.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 728.145 Treatment Standards for Hazardous Debris

- a) Treatment standards. Hazardous debris must be treated prior to land disposal as follows, unless the Board has determined, under 35 Ill. Adm. Code 721.103(f)(2), that the debris is no longer contaminated with hazardous waste or the debris is treated to the waste-specific treatment standard provided in this Subpart for the waste contaminating the debris:

- 1) General. Hazardous debris must be treated for each "contaminant subject to treatment" defined by subsection (b) of this Section below, using the technology or technologies identified in Section 728-Table F of this Part.
- 2) Characteristic debris. Hazardous debris that exhibits the characteristic of ignitability, corrosivity, or reactivity identified under 35 Ill. Adm. Code 721.121, 721.122, and/or 721.123, respectively, must be deactivated by treatment using one of the technologies identified in Section 728-Table F of this Part.
- 3) Mixtures of debris types. The treatment standards of Section 728-Table F of this Part must be achieved for each type of debris contained in a mixture of debris types. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
- 4) Mixtures of contaminant types. Debris that is contaminated with two or more contaminants subject to treatment identified under subsection (b) of this Section below must be treated for each

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contaminant using one or more treatment technologies identified in Section 728-Table F of this Part. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.

- 5) Waste PCBs. Hazardous debris that is also a waste PCB under 40 CFR 761 is subject to the requirements of either 40 CFR 761 or the requirements of this Section, whichever are more stringent.

- b) Contaminants subject to treatment. Hazardous debris must be treated for each "contaminant subject to treatment". The contaminants subject to treatment must be determined as follows:

- 1) Toxicity characteristic debris. The contaminants subject to treatment for debris that exhibits the Toxicity Characteristic (TC) by 35 Ill. Adm. Code 721.124 are those EP constituents for which the debris exhibits the TC toxicity characteristic.

- 2) Debris contaminated with listed waste. The contaminants subject to treatment for debris that is contaminated with a prohibited listed hazardous waste are those constituents or wastes for which BBAF treatment standards are established for the waste under Sections 728-141 Section 728.140 and 728-143 Table T of this Part.

- 3) Cyanide reactive debris. Hazardous debris that is reactive because of cyanide must be treated for cyanide.

- c) Conditioned exclusion of treated debris. Hazardous debris that has been treated using one of the specified extraction or destruction technologies in Section 728-Table F of this Part and that does not exhibit a characteristic of hazardous waste identified under 35 Ill. Adm. Code 721-Subpart C after treatment is not a hazardous waste and need not be managed in a subtitle C facility. Hazardous debris contaminated with a listed waste that is treated by an immobilization technology specified in Section 728-Table F is a hazardous waste and must be managed in a RCRA Subtitle C treatment, storage, or disposal facility.

- d) Treatment residuals

- 1) General requirements. Except as provided by subsections (d)(2) and (d)(4) of this Section below:

- A) Residue from the treatment of hazardous debris must be separated from the treated debris using simple physical or mechanical means; and
- B) Residue from the treatment of hazardous debris is subject to the waste-specific treatment standards provided by 728-Subpart D of this Part for the waste contaminating the debris.

- 2) Nontoxic debris. Residue from the deactivation of ignitable, corrosive, or reactive characteristic hazardous debris (other than cyanide-reactive) that is not contaminated with a contaminant subject to treatment defined by subsection (b) of this Section above, must be deactivated prior to land disposal and is not subject to the waste-specific treatment standards of

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- 728-Subpart D of this Part.
 3) Cyanide-reactive debris. Residue from the treatment of debris that is reactive because of cyanide must meet the standards for USEPA W-S--BPA hazardous waste number D003 under Section 728.140 and Table T of this Part. 728-143-
 4) Ignitable nonwastewater residue. Ignitable nonwastewater residue containing equal to or greater than 10% total organic carbon is subject to the technology specified in the treatment-based standards standard for USEPA W-S--BPA hazardous waste number D001: "Ignitable Liquids based-on--35-----Ill---Adm---Code 721-121a{1}14--under-Section-728-142.
 5) Residue from spalling. Layers of debris removed by spalling are hazardous debris that remain subject to the treatment standards of this Section.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 728.149 Alternative LDR Treatment Standards for Contaminated Soil

- a) Applicability. An owner or operator shall comply with LDRs prior to placing soil that exhibits a characteristic of hazardous waste or which exhibited a characteristic of hazardous waste at the time it was generated into a land disposal unit. The following chart describes whether an owner or operator must comply with LDRs prior to placing soil contaminated by listed hazardous waste into a land disposal unit:

If the LDRs	And if the LDRs	And if	Then the owner or operator
Applied to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	=	Must comply with LDRs.
Did not apply to the listed waste when it contaminated the soil*.	Apply to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	Must comply with LDRs.
Did not apply to the listed waste when it contaminated	Apply to the listed waste now.	The soil is determined to contain the listed waste when the soil	Needs not comply with LDRs.

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the soil*.

Did not apply to the listed waste when it contaminated the soil*.

Needs not comply with LDRs.

- * For dates of LDR applicability, see Appendix G of this Part. To determine the date any given listed hazardous waste contaminated any given volume of soil, use the last date any given listed hazardous waste was placed into any given land disposal unit or, in the case of an accidental spill, the date of the spill.

- b) Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to the applicable treatment standards specified in subsection (c) of this Section or according to the universal treatment standards specified in Section 728.148 and Table U of this Part applicable to the contaminating listed hazardous waste or the applicable characteristic of hazardous waste if the soil is characteristic. The treatment standards specified in subsection (c) of this Section and the universal treatment standards may be modified through a treatment variance approved in accordance with Section 728.144.
- c) Treatment standards for contaminated soils. Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to all the standards specified in this subsection or according to the universal treatment standards specified in Section 728.148 and Table U of this Part.

- 1) All soils. Prior to land disposal, all constituents subject to treatment must be treated as follows:
- A) For non-metals, treatment must achieve 90% reduction in total constituent concentrations, except as provided by subsection (c)(1)(C) of this Section.
- B) For metals, treatment must achieve 90% reduction in constituent concentrations as measured in leachate from the treated media (tested according to the TCLP) or 90% reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (c)(1)(C) of this Section.
- C) When treatment of any constituent subject to treatment to a 90% reduction standard would result in a concentration less than 10 times the universal treatment standard for that constituent, treatment to achieve constituent concentrations

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less than 10 times the universal treatment standard is not required. Universal treatment standards are identified in Table U of this Part.

- 2) soils that exhibit the characteristic of ignitability, corrosivity or reactivity. In addition to the treatment required by subsection (c)(1) of this Section, prior to land disposal, soils that exhibit the characteristic of ignitability, corrosivity, or reactivity must be treated to eliminate these characteristics.

- 3) Soils that contain nonanalyzable constituents. In addition to the treatment requirements of subsections (c)(1) and (c)(2) of this Section, prior to land disposal, the following treatment is required for soils that contain nonanalyzable constituents:

A) For soil that also contains analyzable constituents, treatment of those analyzable constituents to the levels specified in subsections (c)(1) and (c)(2) of this Section;

or

B) For soil that contains only nonanalyzable constituents, treatment by the method specified in Section 728.142 for the waste contained in the soil.

- d) Constituents subject to treatment. When applying the soil treatment standards in subsection (c) of this Section, constituents subject to treatment are any constituents listed in Table U universal treatment standards that are reasonably expected to be present in any given volume of contaminated soil, except fluoride, selenium, sulfides, vanadium and zinc, and are present at concentrations greater than ten times the universal treatment standard.

- e) Management of treatment residuals. Treatment residuals from treating contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be managed as follows:

1) Soil residuals are subject to the treatment standards of this Section;

- 2) Non-soil residuals are subject to the following requirements:

A) For soils contaminated by listed hazardous waste, the RCRA Subtitle C standards applicable to the listed hazardous waste; and

B) For soils that exhibit a characteristic of hazardous waste, if the non-soil residual also exhibits a characteristic of hazardous waste, the treatment standards applicable to the characteristic hazardous waste.

(Source: Added at 22 Ill. Reg. _____, effective _____)

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Section 728.APPENDIX G Federal Effective Dates

The following are the effective dates for the USEPA rules in 40 CFR 268. These generally became effective as Illinois rules at a later date.

TABLE 1
EFFECTIVE DATES OF SURFACE DISPOSED WASTES (NON-SOIL AND DEBRIS) REGULATED IN THE LDRS--COMPREHENSIVE LIST

Waste code	Waste category	Effective date
D001(c)	All (except High TOC Ignitable Liquids)	Aug. 9, 1993.
D001	High TOC Ignitable Liquids	Aug. 8, 1990.
D002(c)	All	Aug. 9, 1993.
D003(e)	Newly identified surface-disposed elemental phosphorus processing wastes	May 26, 2000.
B003(f)	All	July-07-1996-
D004	Newly identified D004 and mineral processing wastes	Aug. 24, 1998.
B004	Nonwastewater	May-07-1992-
D004	Mixed radioactive/newly identified D004 or mineral processing wastes	May 26, 2000.
B004	Wastewater	Aug-07-1992-
D005	Newly identified D005 and mineral processing wastes	Aug. 24, 1998.
D005	Mixed radioactive/newly identified D005 or mineral processing wastes	May 26, 2000.
B005	All	Aug-07-1990-
B006	All	Aug-07-1990-
D006	Newly identified D006 and mineral processing wastes	Aug. 24, 1998.
D006	Mixed radioactive/newly identified D006 or mineral processing wastes	May 26, 2000.
B007	All	Aug-07-1990-
D007	Newly identified D007 and mineral processing wastes	Aug. 24, 1998.
D007	Mixed radioactive/newly identified D007 or mineral processing wastes	May 26, 2000.
B008	Head---materials---before---secondary smelting	May-07-1992-
D008	Newly identified D008 and mineral processing waste	Aug. 24, 1998.
B008	All-others	Aug-07-1990-
D008	Mixed radioactive/newly identified D008 or mineral processing wastes	May 26, 2000.
B009	Nonwastewater	May-07-1992-
D009	Newly identified D009 and mineral processing waste	Aug. 24, 1998.

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D009	Mixed radioactive/newly identified D009 or mineral processing wastes	<u>May 26, 2000.</u>	D019	All others	Dec. 19, 1994.
B009	All others	<u>Aug.-07-1990-</u>	D020	Mixed with radioactive wastes	Sep. 19, 1996.
D010	Newly identified D010 and mineral processing wastes	<u>Aug. 24, 1998.</u>	D020	All others	Dec. 19, 1994.
B010	All	<u>Aug.-07-1990-</u>	D021	Mixed with radioactive wastes	Sep. 19, 1996.
D010	Newly identified D010 and mineral processing wastes	<u>Aug. 24, 1998.</u>	D021	All others	Dec. 19, 1994.
B010	All	<u>Aug.-07-1990-</u>	D022	Mixed with radioactive wastes	Sep. 19, 1996.
D010	Newly identified D010 and mineral processing wastes	<u>Aug. 24, 1998.</u>	D022	All others	Dec. 19, 1994.
B011	All	<u>May 26, 2000.</u>	D023	Mixed with radioactive wastes	Sep. 19, 1996.
D011	Newly identified D011 and mineral processing wastes	<u>Aug.-07-1990-</u>	D024	Mixed with radioactive wastes	Dec. 19, 1994.
B011	All	<u>Aug. 24, 1998.</u>	D024	All others	Sep. 19, 1996.
D011	Mixed radioactive/newly identified D011 or mineral processing wastes	<u>May 26, 2000.</u>	D025	Mixed with radioactive wastes	Dec. 19, 1994.
D012 (that exhibit the toxicity characteristic based on the TCLP)(d)	All	<u>Dec. 14, 1994.</u>	D025	All others	Sep. 19, 1996.
D013 (that exhibit the toxicity characteristic based on the TCLP)(d)	All	<u>Dec. 14, 1994.</u>	D026	Mixed with radioactive wastes	Dec. 19, 1994.
D014 (that exhibit the toxicity characteristic based on the TCLP)(d)	All	<u>Dec. 14, 1994.</u>	D027	Mixed with radioactive wastes	Sep. 19, 1996.
D015 (that exhibit the toxicity characteristic based on the TCLP)(d)	All	<u>Dec. 14, 1994.</u>	D027	All others	Dec. 19, 1994.
D016 (that exhibit the toxicity characteristic based on the TCLP)(d)	All	<u>Dec. 14, 1994.</u>	D028	Mixed with radioactive wastes	Sep. 19, 1996.
D017 (that exhibit the toxicity characteristic based on the TCLP)(d)	All	<u>Dec. 14, 1994.</u>	D029	Mixed with radioactive wastes	Dec. 19, 1994.
D018	Mixed with radioactive wastes	<u>Sep. 19, 1996.</u>	D029	All others	Sep. 19, 1996.
D018	All others	<u>Dec. 19, 1994.</u>	D030	Mixed with radioactive wastes	Dec. 19, 1994.
D019	Mixed with radioactive wastes	<u>Sep. 19, 1996.</u>	D031	Mixed with radioactive wastes	Sep. 19, 1996.
			D031	All others	Dec. 19, 1994.
			D032	Mixed with radioactive wastes	Sep. 19, 1996.
			D032	All others	Dec. 19, 1994.
			D033	Mixed with radioactive wastes	Sep. 19, 1996.
			D033	All others	Dec. 19, 1994.
			D034	Mixed with radioactive wastes	Sep. 19, 1996.
			D034	All others	Dec. 19, 1994.
			D035	Mixed with radioactive wastes	Sep. 19, 1996.
			D035	All others	Dec. 19, 1994.
			D036	Mixed with radioactive wastes	Sep. 19, 1996.
			D036	All others	Dec. 19, 1994.
			D037	Mixed with radioactive wastes	Sep. 19, 1996.
			D037	All others	Dec. 19, 1994.
			D038	Mixed with radioactive wastes	Sep. 19, 1996.
			D038	All others	Dec. 19, 1994.
			D039	Mixed with radioactive wastes	Sep. 19, 1996.
			D039	All others	Dec. 19, 1994.
			D040	Mixed with radioactive wastes	Sep. 19, 1996.
			D040	All others	Dec. 19, 1994.
			D041	Mixed with radioactive wastes	Sep. 19, 1996.
			D041	All others	Dec. 19, 1994.
			D042	Mixed with radioactive wastes	Sep. 19, 1996.
			D042	All others	Dec. 19, 1994.
			D043	Mixed with radioactive wastes	Sep. 19, 1996.

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D043	All others	Dec. 19, 1994.	F020	All	Nov. 8, 1988.
F001	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1988.	F021	All	Nov. 8, 1988.
	All others		F025	All	Aug. 8, 1990.
F001	Wastewater and Nonwastewater	Nov. 8, 1986.	F026	All	Nov. 8, 1988.
F002 (1,1,2-trichloroethane)		Aug. 8, 1990.	F027	All	Nov. 8, 1988.
F002	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1988.	F028	All	Nov. 8, 1988.
	All others		F032	Mixed with radioactive wastes	May 12, 1999.
F002	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1986.	F033	All others	Aug. May 12, 1997.
F002	All others	Nov. 8, 1988.	F034	Mixed-with-radioactive-wastes	May-12-1997-
F003	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1986.	F035	Mixed with radioactive wastes	May-12-1997-
F003	All others	Nov. 8, 1988.	F037	All others	May 12, 1999.
F004	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1986.	F038	Mixed with radioactive wastes	Aug. May 12, 1997.
F004	All others	Nov. 8, 1988.	F039	Not generated from surface impoundment	June 30, 1993.
F005 (benzene, 2-ethoxyethanol, 2-nitropropane)			F039	cleanouts or closures	June 30, 1994.
F005	Small quantity generators, CERCLA response/RCRA corrective action, initial generator's solvent-water mixtures, solvent-containing sludges and solids	Nov. 8, 1986.	F038	Generated from surface impoundment	June 30, 1994.
	All others	Nov. 8, 1988.	F038	cleanouts or closures	June 30, 1994.
	Wastewater and Nonwastewater		F038	Generated from surface impoundment	June 30, 1994.
			F038	cleanouts or closures	June 30, 1994.
			F038	Mixed with radioactive wastes	June 30, 1994.
			F039	Wastewater	Aug. 8, 1990.
			F039	Nonwastewater	May 8, 1992.
			K001 (organics)	All	Aug. 8, 1988.
			(b)	All others	Aug. 8, 1988.
			K001	All	Aug. 8, 1990.
			K002	All	Aug. 8, 1990.
			K003	Wastewater	Aug. 8, 1990.
			K004	Nonwastewater	Aug. 8, 1990.
			K004	Nonwastewater	Aug. 8, 1990.
			K005	Wastewater	Aug. 8, 1990.
			K005	Nonwastewater	June 8, 1989.
			K006	All	Aug. 8, 1990.
			K007	Wastewater	Aug. 8, 1990.
			K007	Nonwastewater	Aug. 8, 1990.
			K008	Wastewater	June 8, 1989.
			K008	Nonwastewater	Aug. 8, 1990.
			K009	All	Aug. 8, 1988.
			K010	Wastewater	June 8, 1989.
			K011	Nonwastewater	Aug. 8, 1990.
			K011	Nonwastewater	June 8, 1989.
			K013	Wastewater	Aug. 8, 1990.
			K013	Nonwastewater	June 8, 1989.
			K014	Wastewater	Aug. 8, 1990.
			K014	Nonwastewater	June 8, 1989.

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K015	Wastewater	Aug. 8, 1988.	K050	Wastewater	Aug. 8, 1990.
K015	Nonwastewater	Aug. 8, 1990.	K050	Nonwastewater	Nov. 8, 1990.
K016	All	Aug. 8, 1988.	K051	Wastewater	Aug. 8, 1990.
K017	All	Aug. 8, 1990.	K051	Nonwastewater	Nov. 8, 1990.
K018	All	Aug. 8, 1988.	K052	Wastewater	Aug. 8, 1990.
K019	All	Aug. 8, 1988.	K052	Nonwastewater	Nov. 8, 1990.
K020	All	Aug. 8, 1988.	K060	Wastewater	Aug. 8, 1990.
K021	Wastewater	Aug. 8, 1990.	K060	Nonwastewater	Aug. 8, 1988.
K021	Nonwastewater	Aug. 8, 1988.	K061	Wastewater	Aug. 8, 1990.
K022	Wastewater	Aug. 8, 1990.	K061	Nonwastewater	June 30, 1992.
K022	Nonwastewater	Aug. 8, 1988.	K062	All	Aug. 8, 1988.
K023	All	June 8, 1989.	K069 (Non-	Nonwastewater	Aug. 8, 1988.
K024	All	Aug. 8, 1988.	Calcium Sulfate)		
K025	Wastewater	Aug. 8, 1990.	K069	All others	Aug. 8, 1990.
K025	Nonwastewater	Aug. 8, 1988.	K071	All	Aug. 8, 1990.
K026	All	Aug. 8, 1990.	K073	All	Aug. 8, 1990.
K027	All	June 8, 1989.	K083	All	Aug. 8, 1990.
K028 (metals)	Nonwastewater	Aug. 8, 1990.	K084	Wastewater	Aug. 8, 1990.
K028	All others	June 8, 1989.	K084	Nonwastewater	May 8, 1992.
K029	Wastewater	Aug. 8, 1990.	K085	All	Aug. 8, 1990.
K029	Nonwastewater	June 8, 1989.	K086 (organics)	All	Aug. 8, 1988.
K030	All	Aug. 8, 1988.	(b)		
K031	Wastewater	Aug. 8, 1990.	K086	All others	Aug. 8, 1988.
K031	Nonwastewater	May 8, 1992.	K087	All	Aug. 8, 1988.
K032	All	Aug. 8, 1990.	K088	Mixed with radioactive wastes	Apr. 8, 1998.
K033	All	Aug. 8, 1990.	K088	All others	Oct. 8, 1997.
K034	All	Aug. 8, 1990.	K093	All	June 8, 1989.
K035	All	Aug. 8, 1990.	K094	All	June 8, 1989.
K036	Wastewater	June 8, 1989.	K095	Wastewater	Aug. 8, 1990.
K036	Nonwastewater	Aug. 8, 1988.	K095	Nonwastewater	June 8, 1989.
K037	Wastewater	Aug. 8, 1988.	K096	Wastewater	Aug. 8, 1990.
K037 (b)	Nonwastewater	Aug. 8, 1988.	K096	Nonwastewater	June 8, 1989.
K038	All	June 8, 1989.	K097	All	Aug. 8, 1990.
K039	All	June 8, 1989.	K098	All	Aug. 8, 1990.
K040	All	June 8, 1989.	K099	All	Aug. 8, 1988.
K041	All	Aug. 8, 1990.	K100	Wastewater	Aug. 8, 1990.
K042	All	Aug. 8, 1990.	K100	Nonwastewater	Aug. 8, 1988.
K043	All	June 8, 1989.	K101 (organics)	Wastewater	Aug. 8, 1988.
K044	All	Aug. 8, 1988.	K101 (metals)	Wastewater	Aug. 8, 1988.
K045	All	Aug. 8, 1988.	K101 (organics)	Nonwastewater	Aug. 8, 1990.
K046	Nonwastewater	Aug. 8, 1988.	K101 (metals)	Nonwastewater	Aug. 8, 1988.
(Nonreactive)			K101 (metals)	Nonwastewater	May 8, 1992.
K046	All others	Aug. 8, 1990.	K102 (organics)	Wastewater	Aug. 8, 1988.
K047	All	Aug. 8, 1988.	K102 (metals)	Wastewater	Aug. 8, 1990.
K048	Wastewater	Aug. 8, 1990.	K102 (organics)	Nonwastewater	Aug. 8, 1988.
K048	Nonwastewater	Nov. 8, 1990.	K102 (metals)	Nonwastewater	May 8, 1992.
K049	Wastewater	Aug. 8, 1990.	K103	All	Aug. 8, 1988.
K049	Nonwastewater	Nov. 8, 1990.	K104	All	Aug. 8, 1988.
			K105	All	Aug. 8, 1990.

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K050	Wastewater	Aug. 8, 1990.
K050	Nonwastewater	Nov. 8, 1990.
K051	Wastewater	Aug. 8, 1990.
K051	Nonwastewater	Nov. 8, 1990.
K052	Wastewater	Aug. 8, 1990.
K052	Nonwastewater	Nov. 8, 1990.
K060	Wastewater	Aug. 8, 1990.
K060	Nonwastewater	Aug. 8, 1988.
K061	Wastewater	Aug. 8, 1990.
K061	Nonwastewater	June 30, 1992.
K062	All	Aug. 8, 1988.
K069 (Non-	Nonwastewater	Aug. 8, 1988.
Calcium Sulfate)		
K069	All others	Aug. 8, 1990.
K071	All	Aug. 8, 1990.
K073	All	Aug. 8, 1990.
K083	All	Aug. 8, 1990.
K084	Wastewater	Aug. 8, 1990.
K084	Nonwastewater	May 8, 1992.
K085	All	Aug. 8, 1990.
K086 (organics)	All	Aug. 8, 1988.
(b)		
K086	All others	Aug. 8, 1988.
K087	All	Aug. 8, 1988.
K088	Mixed with radioactive wastes	Apr. 8, 1998.
K088	All others	Oct. 8, 1997.
K093	All	June 8, 1989.
K094	All	June 8, 1989.
K095	Wastewater	Aug. 8, 1990.
K095	Nonwastewater	June 8, 1989.
K096	Wastewater	Aug. 8, 1990.
K096	Nonwastewater	June 8, 1989.
K097	All	Aug. 8, 1990.
K098	All	Aug. 8, 1990.
K099	All	Aug. 8, 1988.
K100	Wastewater	Aug. 8, 1990.
K100	Nonwastewater	Aug. 8, 1988.
K101 (organics)	Wastewater	Aug. 8, 1988.
K101 (metals)	Wastewater	Aug. 8, 1988.
K101 (organics)	Nonwastewater	Aug. 8, 1990.
K101 (metals)	Nonwastewater	Aug. 8, 1988.
K102 (organics)	Wastewater	May 8, 1992.
K102 (metals)	Wastewater	Aug. 8, 1988.
K102 (organics)	Nonwastewater	Aug. 8, 1990.
K102 (metals)	Nonwastewater	Aug. 8, 1988.
K103	All	May 8, 1992.
K104	All	Aug. 8, 1988.
K105	All	Aug. 8, 1990.

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K106	Wastewater	Aug. 8, 1990.	K0148	Mixed with radioactive wastes	Sep. 19, 1996.
K106	Nonwastewater	May 8, 1992.	K0148	All others	Dec. 19, 1994.
K107	Mixed with radioactive wastes	June 30, 1994.	K0149	Mixed with radioactive wastes	Sep. 19, 1996.
K107	All others	Nov. 9, 1992.	K0149	All others	Dec. 19, 1994.
K108	Mixed with radioactive wastes	June 30, 1994.	K0150	Mixed with radioactive wastes	Sep. 19, 1996.
K108	All others	Nov. 9, 1992.	K0150	All others	Dec. 19, 1994.
K109	Mixed with radioactive wastes	June 30, 1994.	K0151	Mixed with radioactive wastes	Sep. 19, 1996.
K109	All others	Nov. 9, 1992.	K0151	All others	Dec. 19, 1994.
K110	Mixed with radioactive wastes	June 30, 1994.	K0156	Mixed with radioactive wastes	Apr. 8, 1998.
K110	All others	Nov. 9, 1992.	K0156	All others	July 8, 1996.
K111	Mixed with radioactive wastes	June 30, 1994.	K0157	Mixed with radioactive wastes	Apr. 8, 1998.
K111	All others	Nov. 9, 1992.	K0157	All others	July 8, 1996.
K112	Mixed with radioactive wastes	June 30, 1994.	K0158	Mixed with radioactive wastes	Apr. 8, 1998.
K112	All others	Nov. 9, 1992.	K0158	All others	July 8, 1996.
K113	All	June 8, 1989.	K0159	Mixed with radioactive wastes	Apr. 8, 1998.
K114	All	June 8, 1989.	K0159	All others	July 8, 1996.
K115	All	June 8, 1989.	K0160	Mixed with radioactive wastes	Apr. 8, 1998.
K116	All	June 8, 1989.	K0160	All others	July 8, 1996.
K117	Mixed with radioactive wastes	June 30, 1994.	K0161	Mixed with radioactive wastes	Apr. 8, 1998.
K117	All others	Nov. 9, 1992.	K0161	All others	July 8, 1996.
K118	Mixed with radioactive wastes	June 30, 1994.	P001	All	Aug. 8, 1990.
K118	All others	Nov. 9, 1992.	P002	All	Aug. 8, 1990.
K123	Mixed with radioactive wastes	June 30, 1994.	P003	All	Aug. 8, 1990.
K123	All others	Nov. 9, 1992.	P004	All	Aug. 8, 1990.
K124	Mixed with radioactive wastes	June 30, 1994.	P005	All	Aug. 8, 1990.
K124	All others	Nov. 9, 1992.	P006	All	Aug. 8, 1990.
K125	Mixed with radioactive wastes	June 30, 1994.	P007	All	Aug. 8, 1990.
K125	All others	Nov. 9, 1992.	P008	All	Aug. 8, 1990.
K126	Mixed with radioactive wastes	June 30, 1994.	P009	All	Aug. 8, 1990.
K126	All others	Nov. 9, 1992.	P010	Wastewater	Aug. 8, 1990.
K131	Mixed with radioactive wastes	June 30, 1994.	P010	Nonwastewater	May 8, 1992.
K131	All others	Nov. 9, 1992.	P011	Wastewater	Aug. 8, 1990.
K132	Mixed with radioactive wastes	June 30, 1994.	P011	Nonwastewater	May 8, 1992.
K132	All others	Nov. 9, 1992.	P012	Wastewater	Aug. 8, 1990.
K136	Mixed with radioactive wastes	June 30, 1994.	P012	Nonwastewater	May 8, 1992.
K136	All others	Nov. 9, 1992.	P013	Nonwastewater	Aug. 8, 1990.
K141	Mixed with radioactive wastes	Sep. 19, 1996.	P013	All others	June 8, 1989.
K141	All others	Dec. 19, 1994.	P014	All	Aug. 8, 1990.
K142	Mixed with radioactive wastes	Sep. 19, 1996.	P015	All	Aug. 8, 1990.
K142	All others	Dec. 19, 1994.	P016	All	Aug. 8, 1990.
K143	Mixed with radioactive wastes	Sep. 19, 1996.	P017	All	Aug. 8, 1990.
K143	All others	Dec. 19, 1994.	P018	All	Aug. 8, 1990.
K144	Mixed with radioactive wastes	Sep. 19, 1996.	P020	All	Aug. 8, 1990.
K144	All others	Dec. 19, 1994.	P021	All	June 8, 1989.
K145	Mixed with radioactive wastes	Sep. 19, 1996.	P022	All	Aug. 8, 1990.
K145	All others	Dec. 19, 1994.	P023	All	Aug. 8, 1990.
K147	Mixed with radioactive wastes	Sep. 19, 1996.	P024	All	Aug. 8, 1990.
K147	All others	Dec. 19, 1994.	P026	All	Aug. 8, 1990.

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K0148	Mixed with radioactive wastes	Sep. 19, 1996.
K0148	All others	Dec. 19, 1994.
K0149	Mixed with radioactive wastes	Sep. 19, 1996.
K0149	All others	Dec. 19, 1994.
K0150	Mixed with radioactive wastes	Sep. 19, 1996.
K0150	All others	Dec. 19, 1994.
K0151	Mixed with radioactive wastes	Sep. 19, 1996.
K0151	All others	Dec. 19, 1994.
K0156	Mixed with radioactive wastes	Apr. 8, 1998.
K0156	All others	July 8, 1996.
K0157	Mixed with radioactive wastes	Apr. 8, 1998.
K0157	All others	July 8, 1996.
K0158	Mixed with radioactive wastes	Apr. 8, 1998.
K0158	All others	July 8, 1996.
K0159	Mixed with radioactive wastes	Apr. 8, 1998.
K0159	All others	July 8, 1996.
K0160	Mixed with radioactive wastes	Apr. 8, 1998.
K0160	All others	July 8, 1996.
K0161	Mixed with radioactive wastes	Apr. 8, 1998.
K0161	All others	July 8, 1996.
P001	All	Aug. 8, 1990.
P002	All	Aug. 8, 1990.
P003	All	Aug. 8, 1990.
P004	All	Aug. 8, 1990.
P005	All	Aug. 8, 1990.
P006	All	Aug. 8, 1990.
P007	All	Aug. 8, 1990.
P008	All	Aug. 8, 1990.
P009	All	Aug. 8, 1990.
P010	Wastewater	Aug. 8, 1990.
P010	Nonwastewater	May 8, 1992.
P011	Wastewater	Aug. 8, 1990.
P011	Nonwastewater	May 8, 1992.
P012	Wastewater	Aug. 8, 1990.
P012	Nonwastewater	May 8, 1992.
P013	Nonwastewater	Aug. 8, 1990.
P013	All others	June 8, 1989.
P014	All	Aug. 8, 1990.
P015	All	Aug. 8, 1990.
P016	All	Aug. 8, 1990.
P017	All	Aug. 8, 1990.
P018	All	Aug. 8, 1990.
P020	All	Aug. 8, 1990.
P021	All	June 8, 1989.
P022	All	Aug. 8, 1990.
P023	All	Aug. 8, 1990.
P024	All	Aug. 8, 1990.
P026	All	Aug. 8, 1990.

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P027	All		P078	All	Aug. 8, 1990.
P028	All	Aug. 8, 1990.	P081	All	Aug. 8, 1990.
P029	All	Aug. 8, 1990.	P082	All	Aug. 8, 1990.
P030	All	June 8, 1989.	P084	All	Aug. 8, 1990.
P031	All	June 8, 1989.	P085	All	Aug. 8, 1990.
P033	All	Aug. 8, 1990.	P087	All	June 8, 1989.
P034	All	Aug. 8, 1990.	P088	All	May 8, 1992.
P036	Wastewater	Aug. 8, 1990.	P089	All	Aug. 8, 1990.
P036	Nonwastewater	May 8, 1992.	P092	Wastewater	Aug. 8, 1990.
P037	All	Aug. 8, 1990.	P092	Nonwastewater	May 8, 1992.
P038	Wastewater	Aug. 8, 1990.	P093	All	Aug. 8, 1990.
P038	Nonwastewater	May 8, 1992.	P094	All	June 8, 1989.
P039	All	June 8, 1989.	P095	All	Aug. 8, 1990.
P040	All	June 8, 1989.	P096	All	Aug. 8, 1990.
P041	All	June 8, 1989.	P097	All	June 8, 1989.
P042	All	Aug. 8, 1990.	P098	All	June 8, 1989.
P043	All	June 8, 1989.	P099	Wastewater	Aug. 8, 1990.
P044	All	June 8, 1989.	P101	All others	June 8, 1989.
P045	All	Aug. 8, 1990.	P101	All	Aug. 8, 1990.
P046	All	Aug. 8, 1990.	P102	All	Aug. 8, 1990.
P047	All	Aug. 8, 1990.	P103	All	Aug. 8, 1990.
P048	All	Aug. 8, 1990.	P104	Wastewater	Aug. 8, 1990.
P049	All	Aug. 8, 1990.	P104	All others	June 8, 1989.
P050	All	Aug. 8, 1990.	P105	All	Aug. 8, 1990.
P051	All	Aug. 8, 1990.	P106	All	Aug. 8, 1990.
P054	All	Aug. 8, 1990.	P108	All	Aug. 8, 1990.
P056	All	Aug. 8, 1990.	P109	All	June 8, 1989.
P057	All	Aug. 8, 1990.	P110	All	Aug. 8, 1990.
P058	All	Aug. 8, 1990.	P111	All	Aug. 8, 1990.
P059	All	Aug. 8, 1990.	P112	All	Aug. 8, 1990.
P060	All	Aug. 8, 1990.	P113	All	Aug. 8, 1990.
P062	All	June 8, 1989.	P114	All	Aug. 8, 1990.
P063	All	June 8, 1989.	P115	All	Aug. 8, 1990.
P064	All	Aug. 8, 1990.	P116	All	Aug. 8, 1990.
P065	Wastewater	Aug. 8, 1990.	P118	All	Aug. 8, 1990.
P065	Nonwastewater	May 8, 1992.	P119	All	Aug. 8, 1990.
P066	All	Aug. 8, 1990.	P120	All	Aug. 8, 1990.
P067	All	Aug. 8, 1990.	P121	All	Aug. 8, 1990.
P068	All	Aug. 8, 1990.	P122	All	Aug. 8, 1990.
P069	All	Aug. 8, 1990.	P123	All	Aug. 8, 1990.
P070	All	Aug. 8, 1990.	P127	Mixed with radioactive wastes	Apr. 8, 1998.
P071	All	Aug. 8, 1990.	P127	All others	July 8, 1996.
P072	All	Aug. 8, 1990.	P128	Mixed with radioactive wastes	Apr. 8, 1998.
P073	All	Aug. 8, 1990.	P128	All others	July 8, 1996.
P074	All	June 8, 1989.	P185	Mixed with radioactive wastes	Apr. 8, 1998.
P075	All	Aug. 8, 1990.	P185	All others	July 8, 1996.
P076	All	Aug. 8, 1990.	P188	Mixed with radioactive wastes	Apr. 8, 1998.
P077	All	Aug. 8, 1990.	P188	All others	July 8, 1996.

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P078	All	Aug. 8, 1990.
P081	All	Aug. 8, 1990.
P082	All	Aug. 8, 1990.
P084	All	Aug. 8, 1990.
P085	All	June 8, 1989.
P087	All	May 8, 1992.
P088	All	Aug. 8, 1990.
P089	All	Aug. 8, 1990.
P092	Wastewater	Aug. 8, 1990.
P092	Nonwastewater	May 8, 1992.
P093	All	Aug. 8, 1990.
P094	All	June 8, 1989.
P095	All	Aug. 8, 1990.
P096	All	Aug. 8, 1990.
P097	All	June 8, 1989.
P098	All	June 8, 1989.
P099	(silver) Wastewater	Aug. 8, 1990.
P099	All others	June 8, 1989.
P101	All	Aug. 8, 1990.
P102	All	Aug. 8, 1990.
P103	All	Aug. 8, 1990.
P104	(silver) Wastewater	Aug. 8, 1990.
P104	All others	June 8, 1989.
P105	All	Aug. 8, 1990.
P106	All	June 8, 1989.
P108	All	Aug. 8, 1990.
P109	All	June 8, 1989.
P110	All	Aug. 8, 1990.
P111	All	Aug. 8, 1990.
P112	All	Aug. 8, 1990.
P113	All	Aug. 8, 1990.
P114	All	Aug. 8, 1990.
P115	All	Aug. 8, 1990.
P116	All	Aug. 8, 1990.
P118	All	Aug. 8, 1990.
P119	All	Aug. 8, 1990.
P120	All	Aug. 8, 1990.
P121	All	Aug. 8, 1990.
P122	All	Aug. 8, 1990.
P123	All	Aug. 8, 1990.
P127	Mixed with radioactive wastes	Apr. 8, 1998.
P127	All others	July 8, 1996.
P128	Mixed with radioactive wastes	Apr. 8, 1998.
P128	All others	July 8, 1996.
P185	Mixed with radioactive wastes	Apr. 8, 1998.
P185	All others	July 8, 1996.
P188	Mixed with radioactive wastes	Apr. 8, 1998.
P188	All others	July 8, 1996.

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P189	Mixed with radioactive wastes	Apr. 8, 1998.	U022	All	Aug. 8, 1990.
P189	All others	July 8, 1996.	U023	All	Aug. 8, 1990.
P190	Mixed with radioactive wastes	Apr. 8, 1998.	U024	All	Aug. 8, 1990.
P190	All others	July 8, 1996.	U025	All	Aug. 8, 1990.
P191	Mixed with radioactive wastes	Apr. 8, 1998.	U026	All	Aug. 8, 1990.
P191	All others	July 8, 1996.	U027	All	Aug. 8, 1990.
P192	Mixed with radioactive wastes	Apr. 8, 1998.	U028	All	June 8, 1989.
P192	All others	July 8, 1996.	U029	All	Aug. 8, 1990.
P194	Mixed with radioactive wastes	Apr. 8, 1998.	U030	All	Aug. 8, 1990.
P194	All others	July 8, 1996.	U031	All	Aug. 8, 1990.
P196	Mixed with radioactive wastes	Apr. 8, 1998.	U032	All	Aug. 8, 1990.
P196	All others	July 8, 1996.	U033	All	Aug. 8, 1990.
P197	Mixed with radioactive wastes	Apr. 8, 1998.	U034	All	Aug. 8, 1990.
P197	All others	July 8, 1996.	U035	All	Aug. 8, 1990.
P198	Mixed with radioactive wastes	Apr. 8, 1998.	U036	All	Aug. 8, 1990.
P198	All others	July 8, 1996.	U037	All	Aug. 8, 1990.
P199	Mixed with radioactive wastes	Apr. 8, 1998.	U038	All	Aug. 8, 1990.
P199	All others	July 8, 1996.	U039	All	Aug. 8, 1990.
P201	Mixed with radioactive wastes	Apr. 8, 1998.	U041	All	Aug. 8, 1990.
P201	All others	July 8, 1996.	U042	All	Aug. 8, 1990.
P202	Mixed with radioactive wastes	Apr. 8, 1998.	U043	All	Aug. 8, 1990.
P202	All others	July 8, 1996.	U044	All	Aug. 8, 1990.
P203	Mixed with radioactive wastes	Apr. 8, 1998.	U045	All	Aug. 8, 1990.
P203	All others	July 8, 1996.	U046	All	Aug. 8, 1990.
P204	Mixed with radioactive wastes	Apr. 8, 1998.	U047	All	Aug. 8, 1990.
P204	All others	July 8, 1996.	U048	All	Aug. 8, 1990.
P205	Mixed with radioactive wastes	Apr. 8, 1998.	U049	All	Aug. 8, 1990.
P205	All others	July 8, 1996.	U050	All	Aug. 8, 1990.
U001	All	Aug. 8, 1990.	U051	All	Aug. 8, 1990.
U002	All	Aug. 8, 1990.	U052	All	Aug. 8, 1990.
U003	All	Aug. 8, 1990.	U053	All	Aug. 8, 1990.
U004	All	Aug. 8, 1990.	U055	All	Aug. 8, 1990.
U005	All	Aug. 8, 1990.	U056	All	Aug. 8, 1990.
U006	All	Aug. 8, 1990.	U057	All	Aug. 8, 1990.
U007	All	Aug. 8, 1990.	U058	All	June 8, 1989.
U008	All	Aug. 8, 1990.	U059	All	Aug. 8, 1990.
U009	All	Aug. 8, 1990.	U060	All	Aug. 8, 1990.
U010	All	Aug. 8, 1990.	U061	All	Aug. 8, 1990.
U011	All	Aug. 8, 1990.	U062	All	Aug. 8, 1990.
U012	All	Aug. 8, 1990.	U063	All	Aug. 8, 1990.
U014	All	Aug. 8, 1990.	U064	All	Aug. 8, 1990.
U015	All	Aug. 8, 1990.	U066	All	Aug. 8, 1990.
U016	All	Aug. 8, 1990.	U067	All	Aug. 8, 1990.
U017	All	Aug. 8, 1990.	U068	All	Aug. 8, 1990.
U018	All	Aug. 8, 1990.	U069	All	June 30, 1992.
U019	All	Aug. 8, 1990.	U070	All	Aug. 8, 1990.
U020	All	Aug. 8, 1990.	U071	All	Aug. 8, 1990.
U021	All	Aug. 8, 1990.	U072	All	Aug. 8, 1990.

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U022	All	Aug. 8, 1990.
U023	All	Aug. 8, 1990.
U024	All	Aug. 8, 1990.
U025	All	Aug. 8, 1990.
U026	All	Aug. 8, 1990.
U027	All	Aug. 8, 1990.
U028	All	June 8, 1989.
U029	All	Aug. 8, 1990.
U030	All	Aug. 8, 1990.
U031	All	Aug. 8, 1990.
U032	All	Aug. 8, 1990.
U033	All	Aug. 8, 1990.
U034	All	Aug. 8, 1990.
U035	All	Aug. 8, 1990.
U036	All	Aug. 8, 1990.
U037	All	Aug. 8, 1990.
U038	All	Aug. 8, 1990.
U039	All	Aug. 8, 1990.
U041	All	Aug. 8, 1990.
U042	All	Aug. 8, 1990.
U043	All	Aug. 8, 1990.
U044	All	Aug. 8, 1990.
U045	All	Aug. 8, 1990.
U046	All	Aug. 8, 1990.
U047	All	Aug. 8, 1990.
U048	All	Aug. 8, 1990.
U049	All	Aug. 8, 1990.
U050	All	Aug. 8, 1990.
U051	All	Aug. 8, 1990.
U052	All	Aug. 8, 1990.
U053	All	Aug. 8, 1990.
U055	All	Aug. 8, 1990.
U056	All	Aug. 8, 1990.
U057	All	Aug. 8, 1990.
U058	All	June 8, 1989.
U059	All	Aug. 8, 1990.
U060	All	Aug. 8, 1990.
U061	All	Aug. 8, 1990.
U062	All	Aug. 8, 1990.
U063	All	Aug. 8, 1990.
U064	All	Aug. 8, 1990.
U066	All	Aug. 8, 1990.
U067	All	Aug. 8, 1990.
U068	All	Aug. 8, 1990.
U069	All	June 30, 1992.
U070	All	Aug. 8, 1990.
U071	All	Aug. 8, 1990.
U072	All	Aug. 8, 1990.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U073	All	Aug. 8, 1990.
U074	All	Aug. 8, 1990.
U075	All	Aug. 8, 1990.
U076	All	Aug. 8, 1990.
U077	All	Aug. 8, 1990.
U078	All	Aug. 8, 1990.
U079	All	Aug. 8, 1990.
U080	All	Aug. 8, 1990.
U081	All	Aug. 8, 1990.
U082	All	Aug. 8, 1990.
U083	All	Aug. 8, 1990.
U084	All	Aug. 8, 1990.
U085	All	Aug. 8, 1990.
U086	All	Aug. 8, 1990.
U087	All	June 8, 1989.
U088	All	June 8, 1989.
U089	All	Aug. 8, 1990.
U090	All	Aug. 8, 1990.
U091	All	Aug. 8, 1990.
U092	All	Aug. 8, 1990.
U093	All	Aug. 8, 1990.
U094	All	Aug. 8, 1990.
U095	All	Aug. 8, 1990.
U096	All	Aug. 8, 1990.
U097	All	Aug. 8, 1990.
U098	All	Aug. 8, 1990.
U099	All	Aug. 8, 1990.
U101	All	Aug. 8, 1990.
U102	All	June 8, 1989.
U103	All	Aug. 8, 1990.
U105	All	Aug. 8, 1990.
U106	All	Aug. 8, 1990.
U107	All	June 8, 1989.
U108	All	Aug. 8, 1990.
U109	All	Aug. 8, 1990.
U110	All	Aug. 8, 1990.
U111	All	Aug. 8, 1990.
U112	All	Aug. 8, 1990.
U113	All	Aug. 8, 1990.
U114	All	Aug. 8, 1990.
U115	All	Aug. 8, 1990.
U116	All	Aug. 8, 1990.
U117	All	Aug. 8, 1990.
U118	All	Aug. 8, 1990.
U119	All	Aug. 8, 1990.
U120	All	Aug. 8, 1990.
U121	All	Aug. 8, 1990.
U122	All	Aug. 8, 1990.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U123	All	Aug. 8, 1990.
U124	All	Aug. 8, 1990.
U125	All	Aug. 8, 1990.
U126	All	Aug. 8, 1990.
U127	All	Aug. 8, 1990.
U128	All	Aug. 8, 1990.
U129	All	Aug. 8, 1990.
U130	All	Aug. 8, 1990.
U131	All	Aug. 8, 1990.
U132	All	Aug. 8, 1990.
U133	All	Aug. 8, 1990.
U134	All	Aug. 8, 1990.
U135	All	Aug. 8, 1990.
U136	Wastewater	Aug. 8, 1990.
U136	Nonwastewater	May 8, 1992.
U137	All	Aug. 8, 1990.
U138	All	Aug. 8, 1990.
U140	All	Aug. 8, 1990.
U141	All	Aug. 8, 1990.
U142	All	Aug. 8, 1990.
U143	All	Aug. 8, 1990.
U144	All	Aug. 8, 1990.
U145	All	Aug. 8, 1990.
U146	All	Aug. 8, 1990.
U147	All	Aug. 8, 1990.
U148	All	Aug. 8, 1990.
U149	All	Aug. 8, 1990.
U150	All	Aug. 8, 1990.
U151	Wastewater	Aug. 8, 1990.
U151	Nonwastewater	May 8, 1992.
U152	All	Aug. 8, 1990.
U153	All	Aug. 8, 1990.
U154	All	Aug. 8, 1990.
U155	All	Aug. 8, 1990.
U156	All	Aug. 8, 1990.
U157	All	Aug. 8, 1990.
U158	All	Aug. 8, 1990.
U159	All	Aug. 8, 1990.
U160	All	Aug. 8, 1990.
U161	All	Aug. 8, 1990.
U162	All	Aug. 8, 1990.
U163	All	Aug. 8, 1990.
U164	All	Aug. 8, 1990.
U165	All	Aug. 8, 1990.
U166	All	Aug. 8, 1990.
U167	All	Aug. 8, 1990.
U168	All	Aug. 8, 1990.
U169	All	Aug. 8, 1990.

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U170	All	Aug. 8, 1990.	U223	All	June 8, 1989.
U171	All	Aug. 8, 1990.	U225	All	Aug. 8, 1990.
U172	All	Aug. 8, 1990.	U226	All	Aug. 8, 1990.
U173	All	Aug. 8, 1990.	U227	All	Aug. 8, 1990.
U174	All	Aug. 8, 1990.	U228	All	Aug. 8, 1990.
U176	All	Aug. 8, 1990.	U234	All	Aug. 8, 1990.
U177	All	Aug. 8, 1990.	U235	All	June 8, 1989.
U178	All	Aug. 8, 1990.	U236	All	Aug. 8, 1990.
U179	All	Aug. 8, 1990.	U237	All	Aug. 8, 1990.
U180	All	Aug. 8, 1990.	U238	All	Aug. 8, 1990.
U181	All	Aug. 8, 1990.	U239	All	Aug. 8, 1990.
U182	All	Aug. 8, 1990.	U240	All	Aug. 8, 1990.
U183	All	Aug. 8, 1990.	U243	All	Aug. 8, 1990.
U184	All	Aug. 8, 1990.	U244	All	Aug. 8, 1990.
U185	All	Aug. 8, 1990.	U246	All	Aug. 8, 1990.
U186	All	Aug. 8, 1990.	U247	All	Aug. 8, 1990.
U187	All	Aug. 8, 1990.	U248	All	Aug. 8, 1990.
U188	All	Aug. 8, 1990.	U249	All	Aug. 8, 1990.
U189	All	Aug. 8, 1990.	U271	Mixed with radioactive wastes	Aug. 8, 1998.
U190	All	June 8, 1989.	U271	All others	Apr. 8, 1998.
U191	All	Aug. 8, 1990.	U277	Mixed with radioactive wastes	July 8, 1996.
U192	All	Aug. 8, 1990.	U277	All others	Apr. 8, 1998.
U193	All	Aug. 8, 1990.	U278	Mixed with radioactive wastes	July 8, 1996.
U194	All	June 8, 1989.	U278	All others	Apr. 8, 1998.
U196	All	Aug. 8, 1990.	U279	Mixed with radioactive wastes	July 8, 1996.
U197	All	Aug. 8, 1990.	U279	All others	Apr. 8, 1998.
U200	All	Aug. 8, 1990.	U280	Mixed with radioactive wastes	July 8, 1996.
U201	All	Aug. 8, 1990.	U280	All others	June 30, 1994.
U202	All	Aug. 8, 1990.	U328	Mixed with radioactive wastes	Nov. 9, 1992.
U203	All	Aug. 8, 1990.	U328	All others	June 30, 1994.
U204	All	Aug. 8, 1990.	U353	Mixed with radioactive wastes	Nov. 9, 1992.
U205	All	Aug. 8, 1990.	U353	All others	Nov. 9, 1992.
U206	All	Aug. 8, 1990.	U359	Mixed with radioactive wastes	June 30, 1994.
U207	All	Aug. 8, 1990.	U359	All others	Nov. 9, 1992.
U208	All	Aug. 8, 1990.	U364	Mixed with radioactive wastes	Apr. 8, 1998.
U209	All	Aug. 8, 1990.	U364	All others	July 8, 1996.
U210	All	Aug. 8, 1990.	U365	Mixed with radioactive wastes	Apr. 8, 1998.
U211	All	Aug. 8, 1990.	U365	All others	July 8, 1996.
U213	All	Aug. 8, 1990.	U366	Mixed with radioactive wastes	Apr. 8, 1998.
U214	All	Aug. 8, 1990.	U366	All others	July 8, 1996.
U215	All	Aug. 8, 1990.	U367	Mixed with radioactive wastes	Apr. 8, 1998.
U216	All	Aug. 8, 1990.	U367	All others	July 8, 1996.
U217	All	Aug. 8, 1990.	U372	Mixed with radioactive wastes	Apr. 8, 1998.
U218	All	Aug. 8, 1990.	U372	All others	July 8, 1996.
U219	All	Aug. 8, 1990.	U373	Mixed with radioactive wastes	Apr. 8, 1998.
U220	All	Aug. 8, 1990.	U373	All others	July 8, 1996.
U221	All	June 8, 1989.	U375	Mixed with radioactive wastes	Apr. 8, 1998.
U222	All	Aug. 8, 1990.	U375	All others	July 8, 1996.

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U223	All	June 8, 1989.
U225	All	Aug. 8, 1990.
U226	All	Aug. 8, 1990.
U227	All	Aug. 8, 1990.
U228	All	Aug. 8, 1990.
U234	All	Aug. 8, 1990.
U235	All	June 8, 1989.
U236	All	Aug. 8, 1990.
U237	All	Aug. 8, 1990.
U238	All	Aug. 8, 1990.
U239	All	Aug. 8, 1990.
U240	All	Aug. 8, 1990.
U243	All	Aug. 8, 1990.
U244	All	Aug. 8, 1990.
U246	All	Aug. 8, 1990.
U247	All	Aug. 8, 1990.
U248	All	Aug. 8, 1990.
U249	All	Aug. 8, 1990.
U271	Mixed with radioactive wastes	Aug. 8, 1998.
U271	All others	Apr. 8, 1998.
U277	Mixed with radioactive wastes	July 8, 1996.
U277	All others	Apr. 8, 1998.
U278	Mixed with radioactive wastes	July 8, 1996.
U278	All others	Apr. 8, 1998.
U279	Mixed with radioactive wastes	July 8, 1996.
U279	All others	Apr. 8, 1998.
U280	Mixed with radioactive wastes	July 8, 1996.
U280	All others	June 30, 1994.
U328	Mixed with radioactive wastes	Nov. 9, 1992.
U328	All others	June 30, 1994.
U353	Mixed with radioactive wastes	Nov. 9, 1992.
U353	All others	Nov. 9, 1992.
U359	Mixed with radioactive wastes	June 30, 1994.
U359	All others	Nov. 9, 1992.
U364	Mixed with radioactive wastes	Apr. 8, 1998.
U364	All others	July 8, 1996.
U365	Mixed with radioactive wastes	Apr. 8, 1998.
U365	All others	July 8, 1996.
U366	Mixed with radioactive wastes	Apr. 8, 1998.
U366	All others	July 8, 1996.
U367	Mixed with radioactive wastes	Apr. 8, 1998.
U367	All others	July 8, 1996.
U372	Mixed with radioactive wastes	Apr. 8, 1998.
U372	All others	July 8, 1996.
U373	Mixed with radioactive wastes	Apr. 8, 1998.
U373	All others	July 8, 1996.
U375	Mixed with radioactive wastes	Apr. 8, 1998.
U375	All others	July 8, 1996.

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U376	Mixed with radioactive wastes	Apr. 8, 1998.
U376	All others	July 8, 1996.
U377	Mixed with radioactive wastes	Apr. 8, 1998.
U377	All others	July 8, 1996.
U378	Mixed with radioactive wastes	Apr. 8, 1998.
U378	All others	July 8, 1996.
U379	Mixed with radioactive wastes	Apr. 8, 1998.
U379	All others	July 8, 1996.
U381	Mixed with radioactive wastes	Apr. 8, 1998.
U381	All others	July 8, 1996.
U382	Mixed with radioactive wastes	Apr. 8, 1998.
U382	All others	July 8, 1996.
U383	Mixed with radioactive wastes	Apr. 8, 1998.
U383	All others	July 8, 1996.
U384	Mixed with radioactive wastes	Apr. 8, 1998.
U384	All others	July 8, 1996.
U385	Mixed with radioactive wastes	Apr. 8, 1998.
U385	All others	July 8, 1996.
U386	Mixed with radioactive wastes	Apr. 8, 1998.
U386	All others	July 8, 1996.
U387	Mixed with radioactive wastes	Apr. 8, 1998.
U387	All others	July 8, 1996.
U389	Mixed with radioactive wastes	Apr. 8, 1998.
U389	All others	July 8, 1996.
U390	Mixed with radioactive wastes	Apr. 8, 1998.
U390	All others	July 8, 1996.
U391	Mixed with radioactive wastes	Apr. 8, 1998.
U391	All others	July 8, 1996.
U392	Mixed with radioactive wastes	Apr. 8, 1998.
U392	All others	July 8, 1996.
U393	Mixed with radioactive wastes	Apr. 8, 1998.
U393	All others	July 8, 1996.
U394	Mixed with radioactive wastes	Apr. 8, 1998.
U394	All others	July 8, 1996.
U395	Mixed with radioactive wastes	Apr. 8, 1998.
U395	All others	July 8, 1996.
U396	Mixed with radioactive wastes	Apr. 8, 1998.
U396	All others	July 8, 1996.
U400	Mixed with radioactive wastes	Apr. 8, 1998.
U400	All others	July 8, 1996.
U401	Mixed with radioactive wastes	Apr. 8, 1998.
U401	All others	July 8, 1996.
U402	Mixed with radioactive wastes	Apr. 8, 1998.
U402	All others	July 8, 1996.
U403	Mixed with radioactive wastes	Apr. 8, 1998.
U403	All others	July 8, 1996.
U404	Mixed with radioactive wastes	Apr. 8, 1998.
U404	All others	July 8, 1996.

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U407	Mixed with radioactive wastes	Apr. 8, 1998.
U407	All others	July 8, 1996.
U409	Mixed with radioactive wastes	Apr. 8, 1998.
U409	All others	July 8, 1996.
U410	Mixed with radioactive wastes	Apr. 8, 1998.
U410	All others	July 8, 1996.
U411	Mixed with radioactive wastes	Apr. 8, 1998.
U411	All others	July 8, 1996.

(a) This table does not include mixed radioactive wastes (from the First, Second, and Third rules) which are receiving a national capacity variance until May 8, 1992. This table does not include contaminated soil and debris wastes.

(b) The standard was revised in the Third Third Final Rule (adopted by USEPA at 55 Fed. Reg. 22520 (June 1, 1990) and by the Board in docket R90-11 by orders dated April 11, May 23, and August 8 and 22, 1991).

(c) USEPA amended the standard in the Third Third Emergency Rule (at 58 Fed. Reg. 29860 (May 24, 1993)), which the Board adopted in docket R93-16 on March 17, 1994; the original effective date was August 8, 1990.

(d) The standard was revised in the Phase II Final Rule (which USEPA adopted at 59 Fed. Reg. 47982 (Sept. 19, 1994) and the Board adopted in docket R95-6 by orders dated June 1 and 15, 1995); the original effective date was August 8, 1990.

(e) The standards for selected reactive wastes was revised in the Phase III Final Rule (which USEPA adopted at 61 Fed. Reg. 15566 (Apr. 8, 1996) and the Board adopted in docket R96-10/R97-3/R97-5 (consolidated) by an order dated November 6, 1997; the original effective date was August 8, 1990.

TABLE 2

SUMMARY OF EFFECTIVE DATES OF LAND DISPOSAL RESTRICTIONS
FOR CONTAMINATED SOIL AND DEBRIS (CSD)

Restricted hazardous waste in CSD	Effective date
1. Solvent-(F001-F005) and dioxin-(F020-F023 and F026-F028) containing soil and debris from CERCLA response of RCRA corrective actions.	Nov. 8, 1990.
2. Soil and debris not from CERCLA response or RCRA corrective actions contaminated with less than 1 one percent total solvents (F001-F005) or dioxins (F020-F023 and	Nov. 8, 1988.

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F026-F028).

3. All soil and debris contaminated with First Third wastes for which treatment standards are based on incineration.
4. All soil and debris contaminated with Second Third wastes for which treatment standards are based on incineration.
5. All soil and debris contaminated with Third Third wastes or, First or Second Third "soft hammer" wastes which had treatment standards promulgated in the Third Third rule, for which treatment standards are based on incineration, vitrification, or mercury retorting, acid leaching followed by chemical precipitation, or thermal recovery of metals, as well as all inorganic solids debris contaminated with D004-D011 wastes, and all soil and debris contaminated with mixed RCRA/radioactive wastes.
6. Soil and debris contaminated with D012-D043, K141-K145, and K147-151 wastes.
7. Debris (only) contaminated with F037, F038, K107-K112, K117, K118, K123-K126, K131, K132, K136, U328, U353, U359.
8. Soil and debris contaminated with K156-K161, P127, P128, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes.
9. Soil and debris contaminated with K088 wastes.
10. Soil and debris contaminated with radioactive wastes mixed with K088, K156-K161, P127, P128, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes.
11. Soil and debris contaminated with F032, F034, and F035.
12. Soil and debris contaminated with newly identified D004-D011 toxicity characteristic wastes and mineral processing wastes.

Aug. 8, 1990.

June 8, 1991.

May 8, 1992.

Dec. 19, 1994.

Dec. 19, 1994.

July 8, 1996.

Oct. Jan- 8, 1997.

April 8, 1998.

May 12, 1997.

Aug. 24, 1998.

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13. Soil and debris contaminated with mixed radioactive newly identified D011 characteristic wastes and mineral processing wastes.

May 26, 2000.

BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 728.APPENDIX H National Capacity LDR Variances for UIC Wastes

See Note(a)

Waste Code	Waste Category	Effective date
D001 (except High TOC Ignitable Liquids Subcategory)(c)	All	Feb. 10, 1994.
D001 (High TOC Ignitable Characteristic Liquids Sub-category)	Nonwastewater	Sep. 19, 1995.
D002 (b)	All	May 8, 1992.
D002(c)	All	Feb. 10, 1994.
D003 (cyanides)	All	May 8, 1992.
D003 (sulfides)	All	May 8, 1992.
D003 (explosives, reactives).	All	May 8, 1992.
D007	Nonwastewater	May 8, 1992.
D009	All	May 8, 1992.
D012	All	Sep. 19, 1995.
D013	All	Sep. 19, 1995.
D014	All	Sep. 19, 1995.
D015	All	Sep. 19, 1995.
D016	All	Sep. 19, 1995.
D017	All	Sep. 19, 1995.
D018	All, including mixed with radioactive wastes	Apr. 8, 1998.
D019	All, including mixed with radioactive wastes	Apr. 8, 1998.
D020	All, including mixed with radioactive wastes	Apr. 8, 1998.
D021	All, including mixed with radioactive wastes	Apr. 8, 1998.
D022	All, including mixed with radioactive wastes	Apr. 8, 1998.
D023	All, including mixed with radioactive wastes	Apr. 8, 1998.
D024	All, including mixed with radioactive wastes	Apr. 8, 1998.
D025	All, including mixed with radioactive wastes	Apr. 8, 1998.
D026	All, including mixed with radioactive wastes	Apr. 8, 1998.

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D027	All, including mixed with radioactive wastes	Apr. 8, 1998.
D028	All, including mixed with radioactive wastes	Apr. 8, 1998.
D029	All, including mixed with radioactive wastes	Apr. 8, 1998.
D030	All, including mixed with radioactive wastes	Apr. 8, 1998.
D031	All, including mixed with radioactive wastes	Apr. 8, 1998.
D032	All, including mixed with radioactive wastes	Apr. 8, 1998.
D033	All, including mixed with radioactive wastes	Apr. 8, 1998.
D034	All, including mixed with radioactive wastes	Apr. 8, 1998.
D035	All, including mixed with radioactive wastes	Apr. 8, 1998.
D036	All, including mixed with radioactive wastes	Apr. 8, 1998.
D037	All, including mixed with radioactive wastes	Apr. 8, 1998.
D038	All, including mixed with radioactive wastes	Apr. 8, 1998.
D039	All, including mixed with radioactive wastes	Apr. 8, 1998.
D040	All, including mixed with radioactive wastes	Apr. 8, 1998.
D041	All, including mixed with radioactive wastes	Apr. 8, 1998.
D042	All, including mixed with radioactive wastes	Apr. 8, 1998.
D043	All, including mixed with radioactive wastes	Apr. 8, 1998.
F001-F005	All spent F001-F005 solvent containing less than 1 percent total F001-F005 solvent constituents	Aug. 8, 1990.
F007	All	June 8, 1991.
F032	All, including mixed with radioactive wastes	May 12, 1999.
F034	All, including mixed with radioactive wastes	May 12, 1999.
F035	All, including mixed with radioactive wastes	May 12, 1999.
F037	All	Nov. 8, 1992.
F038	All	Nov. 8, 1992.
F039	Wastewater	May 8, 1992.

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K009	Wastewater	June 8, 1991.
K011	Nonwastewater	June 8, 1991.
K011	Wastewater	May 8, 1992.
K013	Nonwastewater	June 8, 1991.
K013	Wastewater	May 8, 1992.
K014	All	May 8, 1992.
K016	All	June 8, 1991.
K049	All	Aug. 8, 1990.
K050	All	Aug. 8, 1990.
K051	All	Aug. 8, 1990.
K052	All	Aug. 8, 1990.
K062	All	Aug. 8, 1990.
K071	All	Aug. 8, 1990.
K088	All	Jan. 8, 1997.
K104	All	Aug. 8, 1990.
K107	All	Nov. 8, 1992.
K108	All	Nov. 9, 1992.
K109	All	Nov. 9, 1992.
K110	All	Nov. 9, 1992.
K111	All	Nov. 9, 1992.
K112	All	Nov. 9, 1992.
K117	All	Nov. 9, 1992.
K118	All	June 30, 1995.
K123	All	June 30, 1995.
K124	All	Nov. 9, 1992.
K125	All	Nov. 9, 1992.
K126	All	Nov. 9, 1992.
K131	All	Nov. 9, 1992.
K132	All	June 30, 1995.
K136	All	Nov. 9, 1992.
K141	All	Dec. 19, 1994.
K142	All	Dec. 19, 1994.
K143	All	Dec. 19, 1994.
K144	All	Dec. 19, 1994.
K145	All	Dec. 19, 1994.
K147	All	Dec. 19, 1994.
K148	All	Dec. 19, 1994.
K149	All	Dec. 19, 1994.
K150	All	Dec. 19, 1994.
K151	All	Dec. 19, 1994.
K156	All	July 8, 1996.
K157	All	July 8, 1996.
K158	All	July 8, 1996.
K159	All	July 8, 1996.
K160	All	July 8, 1996.
K161	All	July 8, 1996.

(dilute)

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NA	Newly identified wastes from processing wastes from titanium dioxide production and mixed radioactive/newly identified D004-D011 characteristic wastes and mineral processing wastes	May 26, 2000.
P127	All	July 8, 1996.
P128	All	July 8, 1996.
P185	All	July 8, 1996.
P188	All	July 8, 1996.
P189	All	July 8, 1996.
P190	All	July 8, 1996.
P191	All	July 8, 1996.
P192	All	July 8, 1996.
P194	All	July 8, 1996.
P196	All	July 8, 1996.
P197	All	July 8, 1996.
P198	All	July 8, 1996.
P199	All	July 8, 1996.
P201	All	July 8, 1996.
P202	All	July 8, 1996.
P203	All	July 8, 1996.
P204	All	July 8, 1996.
P205	All	July 8, 1996.
U271	All	July 8, 1996.
U277	All	July 8, 1996.
U278	All	July 8, 1996.
U279	All	July 8, 1996.
U280	All	July 8, 1996.
U328	All	Nov. 9, 1992.
U353	All	Nov. 9, 1992.
U359	All	Nov. 9, 1992.
U364	All	July 8, 1996.
U365	All	July 8, 1996.
U366	All	July 8, 1996.
U367	All	July 8, 1996.
U372	All	July 8, 1996.
U373	All	July 8, 1996.
U375	All	July 8, 1996.
U376	All	July 8, 1996.
U377	All	July 8, 1996.
U378	All	July 8, 1996.
U379	All	July 8, 1996.
U381	All	July 8, 1996.
U382	All	July 8, 1996.
U383	All	July 8, 1996.
U384	All	July 8, 1996.

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U385	All	July 8, 1996.
U386	All	July 8, 1996.
U387	All	July 8, 1996.
U389	All	July 8, 1996.
U390	All	July 8, 1996.
U391	All	July 8, 1996.
U392	All	July 8, 1996.
U395	All	July 8, 1996.
U396	All	July 8, 1996.
U400	All	July 8, 1996.
U401	All	July 8, 1996.
U402	All	July 8, 1996.
U403	All	July 8, 1996.
U404	All	July 8, 1996.
U407	All	July 8, 1996.
U409	All	July 8, 1996.
U410	All	July 8, 1996.
U411	All	July 8, 1996.

- (a) Wastes that are deep well disposed on-site receive a six-month variance, with restrictions effective in November 1990.
- (b) Deep well injected D002 liquids with a pH less than 2 must meet the California List treatment standards on August 8, 1990.
- (c) Managed in systems defined in 35 Ill. Adm. Code 730.105(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection.

BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 728. TABLE I Generator Paperwork Requirements

Subsection of Section 728.107 under which the Paperwork Is Required:

Required information

(a)(2) (a)(3) (a)(4) (a)(9)

1. USEPA hazardous waste and manifest numbers of first shipment X X X X
2. Statement: this waste is not prohibited from land disposal X

3. The waste is subject to the LDRs. The constituents of concern for USEPA hazardous waste numbers F001 through F005 and F039 waste, and underlying hazardous constituents in characteristic waste (for--wastes--that are--not--managed--in-a-Clean-Water-Act (CWA)--or--EPA-equivalent--facility), unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice X X

4. The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide) X X

5. Waste analysis data (when available) X X X

6. Date the waste is subject to the prohibition X

7. For hazardous debris, when treating with the alternative treatment technologies provided by Section 728.145: the contaminants subject to treatment, as described in Section 728.145(b); and an indication that these contaminants are being treated to comply with Section 728.145 X

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X

8. For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d), and the following statement: This contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subjected to/complies with) the soil treatment standards as provided by Section 728.149(c) or the universal treatment standards

9. 8 certification is needed (see applicable subsection for exact wording) X X

BOARD NOTE: Derived from Table 1 to 40 CFR 268.7(a)(4) (1997), as amended at 63 Fed. Reg. 28639 (May 26, 1998).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 728. TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Waste Code	Waste Description and Treatment or Regulatory Subcategory (1)	Regulated Hazardous Constituent	Wastewaters	Nonwastewaters
Common Name	CAS(2) Number	Concentration in mg/l(3); or Technology Code(4)	Concentration in mg/kg(5) unless noted as "mg/l TCLP"; or Technology Code(4)	Concentration in mg/kg(5) unless noted as "mg/l TCLP"; or Technology Code(4)

D001(9)
Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) High TOC Subcategory.

NA	NA	DEACT and meet Section 728.148 standards;(8) or RORGS; or CMBST	DEACT and meet Section 728.148 standards;(8) or RORGS; or CMBST
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D001(9)
High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) - Greater than or equal to 10 percent total organic carbon. (Note: This subcategory consists of nonwastewaters only.)

NA	NA	RORGS; CMBST; or POLYM
----	----	------------------------

D002(9)
Corrosive Characteristic Wastes.

NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
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D002, D004, D005, D006, D007, D008, D009, D010, D011
Radioactive high level wastes generated during the reprocessing of fuel rods. (Note: This subcategory consists of nonwastewaters only.)

Arsenic	NA	NA	HLVIT
Corrosivity (pH)	NA	NA	HLVIT
7440-38-2	NA	NA	HLVIT

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Lead	7439-92-1	0.69 and meet Section 728.148 standards(8)5÷0	0.755÷0 mg/1 TCIP BP and meet Section 728.148 standards(8)
Lead-alternative(6) standard-for nonwastewaters-only	7439-92-1	NA	5÷0-mg/1-PBP
D008(9) Lead Acid Batteries Subcategory (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)	7439-92-1	NA	RLEAD
D008(9) Radioactive Lead Solids Subcategory (Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)	7439-92-1	NA	MACRO
D009(9) Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching extraction procedure (TCCLP) (BP) in SW-846 Method 1311 ±3±0; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)	7439-92-6	NA	IMERC; or RMERC
D009(9) Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching extraction procedure (TCCLP) (BP) in SW-846 Method 1311 ±3±0; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)	7439-97-6	NA	RMERC
D009(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching extraction procedure (TCCLP) (BP) in SW-846 Method 1311 ±3±0.	7782-49-2	0.82 ±÷0	5.7 mg/1 TCCLP and meet Section 728.148 standards(8)
D011(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching extraction procedure (TCCLP) (BP) in SW-846 Method 1311 ±3±0.	7782-49-2	0.82 ±÷0	5.7 mg/1 TCCLP and meet Section 728.148 standards(8)
D009 Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of			

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toxicity for mercury based on the toxicity characteristic leaching extraction procedure (TCCLP) (BP) in SW-846 Method 1311 ±3±0; and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)	7439-97-6	NA	0.20 mg/1 TCCLP
D009(9) All other nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based in the toxicity characteristic leaching procedure (TCCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury and that are not residues from RMERC. (Low Mercury Subcategory)	7439-97-6	NA	0.025 mg/1 TCCLP and meet Section 728.148 standards(8)
D009(9) All D009 wastewaters.	7439-97-6	0.15 and 0÷20 meet Section 728.148 standards(8)	NA
D009(9) Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)	7439-97-6	NA	AMLCM
D009(9) Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.)	7439-97-6	NA	IMERC
D010(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching extraction procedure (TCCLP) (BP) in SW-846 Method 1311 ±3±0.	7782-49-2	0.82 ±÷0	5.7 mg/1 TCCLP and meet Section 728.148 standards(8)
D011(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the toxicity characteristic leaching extraction procedure (TCCLP) (BP) in SW-846 Method 1311 ±3±0.	7440-22-4	0.43 5÷0	0.14 5÷0 mg/1 TCCLP and meet

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D012(9)
Wastes that are TC for Endrin based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Endrin
72-20-8
BIODG; or
CMBST
0.13
and meet
Section
728.148
standards(8)

Endrin aldehyde
7421-93-4
BIODG; or
CMBST
0.13
and meet
Section
728.148
standards(8)

D013(9)
Wastes that are TC for Lindane based on the toxicity leaching procedure (TCLP) in SW-846 Method 1311.
alpha-BHC
319-84-6
CAREN; or
CMBST
0.066
and meet
Section
728.148
standards(8)

beta-BHC
319-85-7
CAREN; or
CMBST
0.066
and meet
Section
728.148
standards(8)

delta-BHC
319-86-8
CAREN; or
CMBST
0.066
and meet
Section
728.148
standards(8)

gamma-BHC (Lindane)
58-89-9
CAREN; or
CMBST
0.066
and meet
Section
728.148
standards(8)

D014(9)
Wastes that are TC for Methoxychlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Methoxychlor
72-43-5
WETOX or
CMBST
0.18
and meet
Section
728.148
standards(8)

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D015(9)
Wastes that are TC for Toxaphene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Toxaphene
8001-35-2
BIODG or
CMBST
2.6
and meet
Section
728.148
standards(8)

D016(9)
Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
2,4-D (2,4-Dichloro-
94-75-7
CHOXD;
phenoxyacetic acid)
BIODG; or
CMBST
10
and meet
Section
728.148
standards(8)

D017(9)
Wastes that are TC for 2,4,5-TP (Silvex) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
2,4,5-TP (Silvex)
93-72-1
CHOXD or
CMBST
7.9
and meet
Section
728.148
standards(8)

D018(9)
Wastes that are TC for Benzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Benzene
71-43-2
0.14
and meet
Section
728.148
standards(8)

D019(9)
Wastes that are TC for Carbon tetrachloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Carbon tetrachloride
56-23-5
0.057
and meet
Section
728.148
standards(8)

D020(9)
Wastes that are TC for Chlordane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

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Chlordane (alpha and gamma isomers)	57-74-9	0.0033 and meet Section 728.148 standards(8)	0.26 and meet Section 728.148 standards(8)
D021(9) Wastes that are TC for Chlorobenzene based on the <u>toxicity characteristic leaching procedure (TCLP)</u> in SW-846 Method 1311. Chlorobenzene	108-90-7	0.057 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D022(9) Wastes that are TC for Chloroform based on the <u>toxicity characteristic leaching procedure (TCLP)</u> in SW-846 Method 1311. Chloroform	67-66-3	0.046 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D023(9) Wastes that are TC for o-Cresol based on the <u>toxicity characteristic leaching procedure (TCLP)</u> in SW-846 Method 1311. o-Cresol	95-48-7	0.11 and meet Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
D024(9) Wastes that are TC for m-Cresol based on the <u>toxicity characteristic leaching procedure (TCLP)</u> in SW-846 Method 1311. m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77 and meet Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
D025(9) Wastes that are TC for p-Cresol based on the <u>toxicity characteristic leaching procedure (TCLP)</u> in SW-846 Method 1311. p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77 and meet Section 728.148	5.6 and meet Section 728.148

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D026(9) Wastes that are TC for Cresols (Total) based on the <u>toxicity characteristic leaching procedure (TCLP)</u> in SW-846 Method 1311. Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	1319-77-3	0.88 and meet Section 728.148 standards(8)	11.2 and meet Section 728.148 standards(8)
D027(9) Wastes that are TC for p-Dichlorobenzene based on the <u>toxicity characteristic leaching procedure (TCLP)</u> in SW-846 Method 1311. p-Dichlorobenzene (1,4- Dichlorobenzene)	106-46-7	0.090 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D028(9) Wastes that are TC for 1,2-Dichloroethane based on the <u>toxicity characteristic leaching procedure (TCLP)</u> in SW-846 Method 1311. 1,2-Dichloroethane	107-06-2	0.21 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D029(9) Wastes that are TC for 1,1-Dichloroethylene based on the <u>toxicity characteristic leaching procedure (TCLP)</u> in SW-846 Method 1311. 1,1-Dichloroethylene	75-35-4	0.025 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D030(9) Wastes that are TC for 2,4-Dinitrotoluene based on the <u>toxicity characteristic leaching procedure (TCLP)</u> in SW-846 Method 1311. 2,4-Dinitrotoluene	121-14-2	0.32 and meet Section 728.148 standards(8)	140 and meet Section 728.148 standards(8)
D031(9)			

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Wastes that are TC for Heptachlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Heptachlor 76-44-8 0.0012 and meet 0.066 and meet
728.148 Section
standards(8) 728.148
0.016 and meet
Section
standards(8) 728.148

Heptachlor epoxide 1024-57-3 0.016 and meet
and meet
Section
standards(8) 728.148

D032(9)
Wastes that are TC for Hexachlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Hexachlorobenzene 118-74-1 0.055 10
and meet
Section
standards(8) 728.148

D033(9)
Wastes that are TC for Hexachlorobutadiene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Hexachlorobutadiene 87-68-3 0.055 5.6
and meet
Section
standards(8) 728.148

D034(9)
Wastes that are TC for Hexachloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Hexachloroethane 67-72-1 0.055 30
and meet
Section
standards(8) 728.148

D035(9)
Wastes that are TC for Methyl ethyl ketone based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Methyl ethyl ketone 78-93-3 0.28 36
and meet
Section
standards(8) 728.148

D036(9)

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Wastes that are TC for Nitrobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Nitrobenzene 98-95-3 0.068 14
and meet
Section
standards(8) 728.148

D037(9)

Wastes that are TC for Pentachlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Pentachlorophenol 87-86-5 0.089 7.4
and meet
Section
standards(8) 728.148

D038(9)

Wastes that are TC for Pyridine based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Pyridine 110-86-1 0.014 16
and meet
Section
standards(8) 728.148

D039(9)

Wastes that are TC for Tetrachloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Tetrachloroethylene 127-18-4 0.056 6.0
and meet
Section
standards(8) 728.148

D040(9)

Wastes that are TC for Trichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Trichloroethylene 79-01-6 0.054 6.0
and meet
Section
standards(8) 728.148

D041(9)

Wastes that are TC for 2,4,5-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

2,4,5-Trichlorophenol 95-95-4 0.18 7.4

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	and meet Section 728.148 standards(8)	and meet Section 728.148 standards(8)
D042(9) Wastes that are TC for 2,4,6-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4,6-Trichlorophenol 88-06-2	0.035 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)
D043(9) Wastes that are TC for Vinyl chloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Vinyl chloride 75-01-4	0.27 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
F001, F002, F003, F004, & F005 F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethane, trichloroethylene, trichloromonofluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131	Acetone 67-64-1 0.28 Benzene 71-43-2 0.14 n-Butyl alcohol 71-36-3 5.6 Carbon disulfide 75-15-0 3.8 Carbon tetrachloride 56-23-5 0.057 Chlorobenzene 108-90-7 0.057 o-Cresol 95-48-7 0.11 m-Cresol 108-39-4 0.77 (difficult to distinguish from p-cresol) p-Cresol 106-44-5 0.77 (difficult to	160 10 2.6 NA 6.0 6.0 5.6 5.6 5.6

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	1319-77-3	0.88	11.2
distinguish from m-cresol) Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)			
Cyclohexanone 108-94-1	0.36		NA
o-Dichlorobenzene 95-50-1	0.088		6.0
Ethyl acetate 141-78-6	0.34		33
Ethyl benzene 100-41-4	0.057		10
Ethyl ether 60-29-7	0.12		160
Isobutyl alcohol 78-83-1	5.6		170
Methanol 67-56-1	5.6		NA
Methylene chloride 75-9-2	0.089		30
Methyl ethyl ketone 78-93-3	0.28		36
Methyl isobutyl ketone 108-10-1	0.14		33
Nitrobenzene 98-95-3	0.068		14
Pyridine 110-86-1	0.014		16
Tetrachloroethylene 127-18-4	0.056		6.0
Toluene 108-88-3	0.080		10
1,1,1-Trichloroethane 71-55-6	0.054		6.0
1,1,2-Trichloroethane 79-00-5	0.054		6.0
1,1,2-Trichloro-1,2,2-trifluoroethane 76-13-1	0.057		30
Trichloroethylene 79-01-6	0.054		6.0
Trichloromonofluoromethane 75-69-4	0.020		30
methane 1330-20-7	0.32		30
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)			
F001, F002, F003, F004 & F005 F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c))			
Carbon disulfide 75-15-0	3.8		4.8 mg/l TCLP
Cyclohexanone 108-94-1	0.36		0.75 mg/l TCLP
Methanol 67-56-1	5.6		0.75 mg/l TCLP
F001, F002, F003, F004 & F005 F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent. 2-Nitropropane 79-46-9		(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.

2-Ethoxyethanol

110-80-5

BIODG; or

CMBST

F006

Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

Cadmium	7440-43-9	0.69	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCLP
Silver	7440-22-4	NA	0.140-30 mg/l TCLP

F007

Spent cyanide plating bath solutions from electroplating operations.

Cadmium	7440-43-9	NA	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCLP
Silver	7440-22-4	NA	0.140-30 mg/l TCLP

F008

Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCLP
Silver	7440-22-4	NA	0.140-30 mg/l TCLP

F009

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590

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Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCLP
Silver	7440-22-4	NA	0.140-30 mg/l TCLP

F010

Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.

Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	NA

F011

Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

Cadmium	7440-43-9	NA	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCLP
Silver	7440-22-4	NA	0.140-30 mg/l TCLP

F012

Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCLP
Silver	7440-22-4	NA	0.140-30 mg/l TCLP

F019

Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30

F020, F021, F022, F023, F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates

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used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HxCDDs (All Hexachloro- NA	0.000063	0.001
dibenzo-p-dioxins)		
HxCDFs (All Hexachloro- NA	0.000063	0.001
dibenzofurans)		
PeCDDs (All Penta- NA	0.000063	0.001
chloro-dibenzo-p-		
dioxins)		
PeCDFs (All Pentachloro- NA	0.000035	0.001
dibenzofurans)		
Pentachlorophenol 87-86-5	0.089	7.4
TCDDs (All Tetrachloro- NA	0.000063	0.001
dibenzo-p-dioxins)		
TCDFs (All Tetrachloro- NA	0.000063	0.001
dibenzofurans)		
2,4,5-Trichlorophenol 95-95-4	0.18	7.4
2,4,6-Trichlorophenol 88-06-2	0.035	7.4
2,3,4,6-Tetrachloro- 58-90-2	0.030	7.4
phenol		

F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes	NA	CMBST(11)	CMBST(11)
2-Chloro-1,3-butadiene 126-99-8	0.057		0.28
3-Chloropropylene 107-05-1	0.036		30
1,1-Dichloroethane 75-34-3	0.059		6.0
1,2-Dichloroethane 107-06-2	0.21		6.0
1,2-Dichloropropane 78-87-5	0.85		18
cis-1,3-Dichloro- 10061-01-5	0.036		18
propylene			
trans-1,3-Dichloro- 10061-02-6	0.036		18
propylene			
bis(2-Ethylhexyl)- 117-81-7	0.28		28

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phthalate	67-72-1	0.055	30
Hexachloroethane	7440-47-3	2.77	0.609-86 mg/l TCLP
Chromium (Total)	7440-02-0	3.98	115-8 mg/l TCLP
Nickel			

F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution.

F025--Light Ends Subcategory.		
Carbon tetrachloride 56-23-5	0.057	6.0
Chloroform 67-66-3	0.046	6.0
1,2-Dichloroethane 107-06-2	0.21	6.0
1,1-Dichloroethylene 75-35-4	0.025	6.0
Methylene chloride 75-9-2	0.089	30
1,1,2-Trichloroethane 79-00-5	0.054	6.0
Trichloroethylene 79-01-6	0.054	6.0
Vinyl chloride 75-01-4	0.27	6.0

F025

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025--Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride 56-23-5	0.057	6.0
Chloroform 67-66-3	0.046	6.0
Hexachlorobenzene 118-74-1	0.055	10
Hexachlorobutadiene 87-68-3	0.055	5.6
Hexachloroethane 67-72-1	0.055	30
Methylene chloride 75-9-2	0.089	30
1,1,2-Trichloroethane 79-00-5	0.054	6.0
Trichloroethylene 79-01-6	0.054	6.0
Vinyl chloride 75-01-4	0.27	6.0

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachloro- NA	0.000063	0.001
dibenzo-p-dioxins)		
HxCDFs (All Hexachloro- NA	0.000063	0.001
dibenzofurans)		
PeCDDs (All Pentachloro- NA	0.000063	0.001

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dibenzo-p-dioxins)			
PeCDFs (All Pentachloro- dibenzofurans)	0.000035	0.001	
Pentachlorophenol	0.089	7.4	
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	0.000063	0.001	
TCDFs (All Tetrachloro- dibenzofurans)	0.000063	0.001	
2,4,5-Trichlorophenol	0.18	7.4	
2,4,6-Trichlorophenol	0.035	7.4	
2,3,4,6-Tetrachloro- phenol	0.030	7.4	

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachloro- dibenzo-p-dioxins)	0.000063	0.001	
HxCDFs (All Hexachloro- dibenzofurans)	0.000063	0.001	
PeCDDs (All Pentachloro- dibenzo-p-dioxins)	0.000063	0.001	
PeCDFs (All Pentachloro- dibenzofurans)	0.000035	0.001	
Pentachlorophenol	0.089	7.4	
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	0.000063	0.001	
TCDFs (All Tetrachloro- dibenzofurans)	0.000063	0.001	
2,4,5-Trichlorophenol	0.18	7.4	
2,4,6-Trichlorophenol	0.035	7.4	
2,3,4,6-Tetrachloro- phenol	0.030	7.4	

F032

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or penta-chlorophenol.

Acenaphthene	83-32-9	0.059	3.4
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Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo(k)-fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo(b)-fluoranthene)			
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)-anthracene	53-70-3	0.055	8.2
2-4-Dimethylphenol	105-67-9	0.036	14
Fluorene	86-73-7	0.059	3.4
Hexachlorodibenzo-p-dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Hexachlorodibenzofurans	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Pentachlorodibenzo-p-dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Pentachlorodibenzofurans	NA	0.000035 or CMBST(11)	0.001 or CMBST(11)
Phenanthrene	87-86-5	0.089	7.4
Phenol	85-01-8	0.059	5.6
Pyrene	108-95-2	0.039	6.2
Tetrachlorodibenzo-p-dioxins	129-00-0	0.067	8.2
Tetrachlorodibenzofurans	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
(difficult to distinguish from benzo(b)-fluoranthene)			
Benzo(a)pyrene	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)

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2,3,4,6-Tetra chlorophenol	58-90-2	0.030	7.4
2,4,6-Tri-chlorophenol	88-06-2	0.035	7.4
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
F034			
Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.			
Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
Benzo(k)fluoranthene	207-08-9	0.11	6.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluorene	86-73-7	0.059	3.4
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-0.86 mg/l TCLP

F035

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations

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from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.500-0.86 mg/l TCLP
F037			
Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.			
Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.500-0.86 mg/l TCLP
Cyanides (Total)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	115-0 mg/l TCLP

F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in

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process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.609-06 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	115-0 mg/l TCLP

F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.)

Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	NA
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066

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4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Bena(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	88-85-7	0.066	2.5
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	NA
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)-methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)-ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30

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2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloro-propane	96-12-8	0.11	15
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
2,4-Dimethyl phenol	105-67-9	0.036	14

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Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
5,1-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl cyanide (Propane-nitrile)	107-12-0	0.24	360
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30

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Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4	Phenol	108-95-2	0.039	6.2
Iodomethane	74-88-4	0.19	65	Phorate	298-02-2	0.021	4.6
Isobutyl alcohol	78-83-1	5.6	170	Phthalic anhydride	85-44-9	0.055	NA
Isodrin	465-73-6	0.021	0.066	Pronamide	23950-58-5	0.093	1.5
Isosafrole	120-58-1	0.081	2.6	Pyrene	129-00-0	0.067	8.2
Kepone	143-50-8	0.0011	0.13	Pyridine	110-86-1	0.014	16
Methacrylonitrile	126-98-7	0.24	84	Safrole	94-59-7	0.081	22
Methanol	67-56-1	5.6	NA	Silvex (2,4,5-TP)	93-72-1	0.72	7.9
Methapyriline	91-80-5	0.081	1.5	2,4,5-T	93-76-5	0.72	7.9
Methoxychlor	72-43-5	0.25	0.18	1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14
3-Methylcholanthrene	56-49-5	0.0055	15	TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
4,4-Methylene bis(2- chloroaniline)	101-14-4	0.50	30	TCDFs (All Tetrachloro- dibenzofurans)	NA	0.000063	0.001
Methylene chloride	75-09-2	0.089	30	1,1,1,2-Tetrachloro- ethane	630-20-6	0.057	6.0
Methyl ethyl ketone	78-93-3	0.28	36	1,1,2,2-Tetrachloro- ethane	79-34-6	0.057	6.0
Methyl isobutyl ketone	108-10-1	0.14	33	ethane	127-18-4	0.056	6.0
Methyl methacrylate	80-62-6	0.14	160	2,3,4,6-Tetrachloro- phenol	58-90-2	0.030	7.4
Methyl methanesulfonate	66-27-3	0.018	NA	Toluene	108-88-3	0.080	10
Methyl parathion	298-00-0	0.014	4.6	Toxaphene	8001-35-2	0.0095	2.6
Naphthalene	91-20-3	0.059	5.6	Bromoform (Tribromo- methane)	75-25-2	0.63	15
2-Naphthylamine	91-59-8	0.52	NA	1,2,4-Trichlorobenzene	120-82-1	0.055	19
p-Nitroaniline	100-01-6	0.028	28	1,1,1-Trichloroethane	71-55-6	0.054	6.0
Nitrobenzene	98-95-3	0.068	14	1,1,2-Trichloroethane	79-00-5	0.054	6.0
5-Nitro-o-toluidine	99-55-8	0.32	28	Trichloroethylene	79-01-6	0.054	6.0
p-Nitrophenol	100-02-7	0.12	29	Trichloromonofluoro- methane	75-69-4	0.020	30
N-Nitrosodiethylamine	55-18-5	0.40	28	2,4,5-Trichlorophenol	95-95-4	0.18	7.4
N-Nitrosodimethylamine	62-75-9	0.40	NA	2,4,6-Trichlorophenol	88-06-2	0.035	7.4
N-Nitroso-di-n-butyl- amine	924-16-3	0.40	17	1,2,3-Trichloropropane	96-18-4	0.85	30
N-Nitrosomethylethyl- amine	10595-95-6	0.40	2.3	1,1,2-Trichloro-1,2,2- trifluoroethane	76-13-1	0.057	30
N-Nitrosomorpholine	59-89-2	0.40	2.3	tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
N-Nitrosopiperidine	100-75-4	0.013	35	Vinyl chloride	75-01-4	0.27	6.0
N-Nitrosopyrrolidine	930-55-2	0.013	35	Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Parathion	56-38-2	0.014	4.6	Antimony	7440-36-0	1.9	1.152±1 mg/l TCLP
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10	Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Pentachlorobenzene	608-93-5	0.055	10	Barium	7440-39-3	1.2	217-6 mg/l TCLP
PCDDs (All Pentachloro- dibenzo-p-dioxins)	NA	0.000063	0.001	Beryllium	7440-41-7	0.82	NA
PCDFs (All Penta- chlorodibenzofurans)	NA	0.000035	0.001	Cadmium	7440-43-9	0.69	0.110±19 mg/l TCLP
Pentachloronitrobenzene	82-68-8	0.055	4.8				
Pentachlorophenol	87-86-5	0.089	7.4				
Phenacetin	62-44-2	0.081	16				
Phenanthrene	85-01-8	0.059	5.6				

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Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l	TCCLP
Cyanides (Total)(7)	57-12-5	1.2	590	
Cyanides (Amenable)(7)	57-12-5	0.86	NA	
Fluoride	16964-48-8	35	NA	
Lead	7439-92-1	0.69	0.750-37 mg/l	TCCLP
Mercury	7439-97-6	0.15	0.025 mg/l	TCCLP
Nickel	7440-02-0	3.98	115-0 mg/l	TCCLP
Selenium	7782-49-2	0.82	5.70-16 mg/l	TCCLP
Silver	7440-22-4	0.43	0.140-30 mg/l	TCCLP
Sulfide	8496-25-8	14	NA	
Thallium	7440-28-0	1.4	NA	
Vanadium	7440-62-2	4.3	NA	
K001				
Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.				
Naphthalene	91-20-3	0.059	5.6	
Pentachlorophenol	87-86-5	0.089	7.4	
Phenanthrene	85-01-8	0.059	5.6	
Pyrene	129-00-0	0.067	8.2	
Toluene	108-88-3	0.080	10	
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30	
Lead	7439-92-1	0.69	0.750-37 mg/l	TCCLP
K002				
Wastewater treatment sludge from the production of chrome yellow and orange pigments.				
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/l	TCCLP
K003				
Wastewater treatment sludge from the production of molybdate orange pigments.				
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/l	TCCLP
K004				
Wastewater treatment sludge from the production of zinc yellow pigments.				
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/l	TCCLP
K005				
Wastewater treatment sludge from the production of chrome green pigments.				
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/l	TCCLP
Cyanides (Total)(7)	57-12-5	1.2	590	

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K006				
Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).				
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/l	TCCLP
K006				
Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).				
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l	TCCLP
Lead	7439-92-1	0.69	NA	
K007				
Wastewater treatment sludge from the production of iron blue pigments.				
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/l	TCCLP
Cyanides (Total)(7)	57-12-5	1.2	590	
K008				
Oven residue from the production of chrome oxide green pigments.				
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l	TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/l	TCCLP
K009				
Distillation bottoms from the production of acetaldehyde from ethylene.				
Chloroform	67-66-3	0.046	6.0	
K010				
Distillation side cuts from the production of acetaldehyde from ethylene.				
Chloroform	67-66-3	0.046	6.0	
K011				
Bottom stream from the wastewater stripper in the production of acrylonitrile.				
Acetonitrile	75-05-8	5.6	38	
Acrylonitrile	107-13-1	0.24	84	
Acrylamide	79-06-1	19	23	
Benzene	71-43-2	0.14	10	
Cyanide (Total)	57-12-5	1.2	590	
K013				
Bottom stream from the acetonitrile column in the production of acrylonitrile.				
Acetonitrile	75-05-8	5.6	38	
Acrylonitrile	107-13-1	0.24	84	
Acrylamide	79-06-1	19	23	
Benzene	71-43-2	0.14	10	
Cyanide (Total)	57-12-5	1.2	590	
K014				

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Bottoms from the acetonitrile purification column in the production of acrylonitrile.
 Acetonitrile 75-05-8 5.6 38
 Acrylonitrile 107-13-1 0.24 84
 Acrylonitrile 79-06-1 19 23
 Acrylamide 71-43-2 0.14 10
 Benzene 57-12-5 1.2 590
 Cyanide (Total)

K015

Still bottoms from the distillation of benzyl chloride.

Anthracene 120-12-7 0.059 3.4
 Benzal chloride 98-87-3 0.055 6.0
 Benzo(b)fluoranthene 205-99-2 0.11 6.8
 (difficult to distinguish from benzo-(k)fluoranthene)
 Benzo(k)fluoranthene 207-08-9 0.11 6.8
 (difficult to distinguish from benzo-(b)fluoranthene)
 Phenanthrene 85-01-8 0.059 5.6
 Toluene 108-88-3 0.080 10
 Chromium (Total) 7440-47-3 2.77 0.609-06 mg/l TCLP
 Nickel 7440-02-0 3.98 115-0 mg/l TCLP

K016

Heavy ends or distillation residues from the production of carbon tetrachloride.

Hexachlorobenzene 118-74-1 0.055 10
 Hexachlorobutadiene 87-68-3 0.055 5.6
 Hexachlorocyclopentadiene 77-47-4 0.057 2.4
 Hexachloroethane 67-72-1 0.055 30
 Tetrachloroethylene 127-18-4 0.056 6.0

K017

Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.

bis(2-Chloroethyl)ether 111-44-4 0.033 6.0
 1,2-Dichloropropane 78-87-5 0.85 18
 1,2,3-Trichloropropane 96-18-4 0.85 30

K018

Heavy ends from the fractionation column in ethyl chloride production.

Chloroethane 75-00-3 0.27 6.0
 Chloromethane 74-87-3 0.19 NA
 1,1-Dichloroethane 75-34-3 0.059 6.0
 1,2-Dichloroethane 107-06-2 0.21 6.0

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Hexachlorobenzene 118-74-1 0.055 10
 Hexachlorobutadiene 87-68-3 0.055 5.6
 Hexachloroethane 67-72-1 0.055 30
 Pentachloroethane 76-01-7 NA 6.0
 1,1,1-Trichloroethane 71-55-6 0.054 6.0

K019

Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

bis(2-Chloroethyl) ether 111-44-4 0.033 6.0
 Chlorobenzene 108-90-7 0.057 6.0
 Chloroform 67-66-3 0.046 6.0
 p-Dichlorobenzene 106-46-7 0.090 NA
 1,2-Dichloroethane 107-06-2 0.21 6.0
 Fluorene 86-73-7 0.059 NA
 Hexachloroethane 67-72-1 0.055 30
 Naphthalene 91-20-3 0.059 5.6
 Phenanthrene 85-01-8 0.059 5.6
 1,2,4,5-Tetrachlorobenzene 95-94-3 0.055 NA
 Tetrachloroethylene 127-18-4 0.056 6.0
 1,2,4-Trichlorobenzene 120-82-1 0.055 19
 1,1,1-Trichloroethane 71-55-6 0.054 6.0

K020

Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

1,2-Dichloroethane 107-06-2 0.21 6.0
 1,1,2,2-Tetrachloroethane 79-34-6 0.057 6.0
 Tetrachloroethylene 127-18-4 0.056 6.0

K021

Aqueous spent antimony catalyst waste from fluoromethanes production.

Carbon tetrachloride 56-23-5 0.057 6.0
 Chloroform 67-66-3 0.046 6.0
 Antimony 7440-36-0 1.9 1.152± mg/l TCLP

K022

Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene 108-88-3 0.080 10
 Acetophenone 96-86-2 0.010 9.7
 Diphenylamine 122-39-4 0.92 13
 (difficult to distinguish from diphenylnitrosamine)
 Diphenylnitrosamine 86-30-6 0.92 13
 (difficult to)

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distinguish from diphenylamine)
 Phenol 108-95-2 0.039 6.2
 Chromium (Total) 7440-47-3 2.77 0.600-86 mg/l TCLP
 Nickel 7440-02-0 3.98 115-0 mg/l TCLP

K023

Distillation light ends from the production of phthalic anhydride from naphthalene.

Phthalic anhydride 100-21-0 0.055 28

(measured as Phthalic acid or Terephthalic acid)

Phthalic anhydride 85-44-9 0.055 28

(measured as Phthalic acid or Terephthalic acid)

K024

Distillation bottoms from the production of phthalic anhydride from naphthalene.

Phthalic anhydride 100-21-0 0.055 28

(measured as Phthalic acid or Terephthalic acid)

Phthalic anhydride 85-44-9 0.055 28

(measured as Phthalic acid or Terephthalic acid)

K025

Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA NA ILEXT fb SSTRP CMBST

fb CARBN; or CMBST

K026

Stripping still tails from the production of methyl ethyl pyridines.

NA NA CMBST CMBST

K027

Centrifuge and distillation residues from the toluene diisocyanate production.

NA NA CARBN; or CMBST

CMBST

K028

Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-

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trichloroethane.
 1,1-Dichloroethane 75-34-3 0.059 6.0
 trans-1,2-Dichloro-ethylene 156-60-5 0.054 30
 Hexachlorobutadiene 87-68-3 0.055 5.6
 Hexachloroethane 67-72-1 0.055 30
 Pentachloroethane 76-01-7 NA 6.0
 1,1,1,2-Tetrachloro-ethane 530-20-6 0.057 6.0
 1,1,2,2-Tetrachloro-ethane 79-34-6 0.057 6.0
 Tetrachloroethylene 127-18-4 0.056 6.0
 1,1,1-Trichloroethane 71-55-6 0.054 6.0
 1,1,2-Trichloroethane 79-00-5 0.054 6.0
 Cadmium 7440-43-9 0.69 NA
 Chromium (Total) 7440-47-3 2.77 0.600-86 mg/l TCLP
 Lead 7439-92-1 0.69 0.750-37 mg/l TCLP
 Nickel 7440-02-0 3.98 115-0 mg/l TCLP

K029 Waste from the product steam stripper in the production of

1,1,1-trichloroethane.
 Chloroform 67-66-3 0.046 6.0
 1,2-Dichloroethane 107-06-2 0.21 6.0
 1,1-Dichloroethylene 75-35-4 0.025 6.0
 1,1,1-Trichloroethane 71-55-6 0.054 6.0
 Vinyl chloride 75-01-4 0.27 6.0

K030

Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.

o-Dichlorobenzene 95-50-1 0.088 NA
 p-Dichlorobenzene 106-46-7 0.090 NA
 Hexachlorobutadiene 87-68-3 0.055 5.6
 Hexachloroethane 67-72-1 0.055 30
 Hexachloropropylene 1888-71-7 NA 30
 Pentachlorobenzene 608-93-5 NA 10
 Pentachloroethane 76-01-7 NA 6.0
 1,2,4,5-Tetrachloro-benzene 95-94-3 0.055 1.4
 Tetrachloroethylene 127-18-4 0.056 6.0
 1,2,4-Trichlorobenzene 120-82-1 0.055 19

K031

By-product salts generated in the production of MSMA and cacodylic acid.
 Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

K032

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Wastewater treatment sludge from the production of chlordane.			
Hexachlorocyclopenta- diene	77-47-4	0.057	2.4
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
K033			
Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.			
Hexachlorocyclopenta- diene	77-47-4	0.057	2.4
K034			
Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.			
Hexachlorocyclopenta- diene	77-47-4	0.057	2.4
K035			
Wastewater treatment sludges generated in the production of creosote.			
Acenaphthene	83-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p- cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m- cresol)	106-44-5	0.77	5.6
Dibenz(a,h)anthracene	53-70-3	NA	8.2
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
K036			
Still bottoms from toluene reclamation distillation in the production of disulfoton.			

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Disulfoton	298-04-4	0.017	6.2
K037			
Wastewater treatment sludges from the production of disulfoton.			
Disulfoton	298-04-4	0.017	6.2
Toluene	108-88-3	0.080	10
K038			
Wastewater from the washing and stripping of phorate production.			
Phorate	298-02-2	0.021	4.6
K039			
Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.			
NA	NA	CARBN; or CMBST	CMBST
K040			
Wastewater treatment sludge from the production of phorate.			
Phorate	298-02-2	0.021	4.6
K041			
Wastewater treatment sludge from the production of toxaphene.			
Toxaphene	8001-35-2	0.0095	2.6
K042			
Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.			
o-Dichlorobenzene	95-50-1	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14
1,2,4-Trichlorobenzene	120-82-1	0.055	19
K043			
2,6-Dichlorophenol waste from the production of 2,4-D.			
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	187-65-0	0.044	14
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachloro- phenol	58-90-2	0.030	7.4
Pentachlorophenol	87-86-5	0.089	7.4
Tetrachloroethylene	127-18-4	0.056	6.0
HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro- NA	NA	0.000063	0.001

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dibenzofurans)				
PeCDDs (All Pentachloro- NA	0.000063	0.001		
benzo-p-dioxins)				
PeCDFs (All Pentachloro- NA	0.000035	0.001		
dibenzofurans)				
TCDDs (All Tetrachloro- NA	0.000063	0.001		
dibenzo-p-dioxins)				
TCDFs (All Tetrachloro- NA	0.000063	0.001		
dibenzofurans)				
K044				
Wastewater treatment sludges from the manufacturing and processing of explosives.				
NA	DEACT	DEACT		
K045				
Spent carbon from the treatment of wastewater containing explosives.				
NA	DEACT	DEACT		
K046				
Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.				
Lead	7439-92-1	0.69	0.750±37 mg/l	TCCLP
K047				
Pink or red water from TNT operations.				
NA	NA	DEACT	DEACT	
K048				
Dissolved air flotation (DAF) float from the petroleum refining industry.				
Benzene	71-43-2	0.14	10	
Benzo(a)pyrene	50-32-8	0.61	3.4	
bis(2-Ethylhexyl)	117-81-7	0.28	28	
phthalate				
Chrysene	218-01-9	0.059	3.4	
Di-n-butyl phthalate	84-74-2	0.057	28	
Ethylbenzene	100-41-4	0.057	10	
Fluorene	86-73-7	0.059	NA	
Naphthalene	91-20-3	0.059	5.6	
Phenanthrene	85-01-8	0.059	5.6	
Phenol	108-95-2	0.039	6.2	
Pyrene	129-00-0	0.067	8.2	
Toluene	108-88-33	0.080	10	
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30	
Chromium (Total)	7440-47-3	2.77	0.600±86 mg/l	TCCLP
Cyanides (Total)(7)	57-12-5	1.2	590	

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NOTICE OF PROPOSED AMENDMENTS

Lead	7439-92-1	0.69	NA	
Nickel	7440-02-0	NA	115±0 mg/l	TCCLP
K049				
Slop oil emulsion solids from the petroleum refining industry.				
Anthracene	120-12-7	0.059	3.4	
Benzene	71-43-2	0.14	10	
Benzo(a)pyrene	50-32-8	0.061	3.4	
bis(2-Ethylhexyl)	117-81-7	0.28	28	
phthalate				
Carbon disulfide	75-15-0	3.8	NA	
Chrysene	2218-01-9	0.059	3.4	
2,4-Dimethylphenol	105-67-9	0.036	NA	
Ethylbenzene	100-41-4	0.057	10	
Naphthalene	91-20-3	0.059	5.6	
Phenanthrene	85-01-8	0.059	5.6	
Phenol	108-95-2	0.039	6.2	
Pyrene	129-00-0	0.067	8.2	
Toluene	108-88-3	0.080	10	
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30	
Cyanides (Total)(7)	57-12-5	1.2	590	
Chromium (Total)	7440-47-3	2.77	0.600±86 mg/l	TCCLP
Lead	7439-92-1	0.69	NA	
Nickel	7440-02-0	NA	115±0 mg/l	TCCLP
K050				
Heat exchanger bundle cleaning sludge from the petroleum refining industry.				
Benzo(a)pyrene	50-32-8	0.061	3.4	
Phenol	108-95-2	0.039	6.2	
Cyanides (Total)(7)	57-12-5	1.2	590	
Chromium (Total)	7440-47-3	2.77	0.600±86 mg/l	TCCLP
Lead	7439-92-1	0.69	NA	
Nickel	7440-02-0	NA	115±0 mg/l	TCCLP
K051				
API separator sludge from the petroleum refining industry.				
Acenaphthene	83-32-9	0.059	NA	
Anthracene	120-12-7	0.059	3.4	
Benz(a)anthracene	56-55-3	0.059	3.4	
Benzene	71-43-2	0.14	10	
Benzo(a)pyrene	50-32-8	0.061	3.4	
bis(2-Ethylhexyl)	117-81-7	0.28	28	
phthalate				
Chrysene	2218-01-9	0.059	3.4	
Di-n-butyl phthalate	105-67-9	0.057	28	
Ethylbenzene	100-41-4	0.057	10	

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Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.600-06 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	115-0 mg/l TCLP
K052			
Tank bottoms (lead) from the petroleum refining industry.			
Benzene	71-43-2	0.14	10
Benzo (a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10
Xylene-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.600-06 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	115-0 mg/l TCLP
K060			
Ammonia still lime sludge from coking operations.			
Benzene	71-43-2	0.14	10
Benzo(a) pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

K061			
Emission control dust or sludge from the primary production of steel in electric furnaces.			
Antimony	7440-36-0	NA	1.152-1 mg/l TCLP
Arsenic	7440-38-2	NA	5.0 mg/l TCLP
Barium	7440-39-3	NA	217-6 mg/l TCLP
Beryllium	7440-41-7	NA	1.220-014 mg/l TCLP
Cadmium	7440-43-9	0.69	0.110-19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.600-06 mg/l TCLP
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Mercury	7439-97-6	NA	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCLP
Selenium	7782-49-2	NA	5.70-16 mg/l TCLP
Silver	7740-22-4	NA	0.140-30 mg/l TCLP
Thallium	7440-28-0	NA	0.200-070 mg/l TCLP
Zinc	7440-66-6	NA	4.35-9 mg/l TCLP
K062			
Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).			
Chromium (Total)	7740-47-3	2.77	0.600-06 mg/l TCLP
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
Nickel	7440-02-0	3.98	NA
K069			
Emission control dust or sludge from secondary lead smelting. - Calcium sulfate (Low Lead) Subcategory			
Cadmium	7440-43-9	0.69	0.110-19 mg/l TCLP
Lead	7439-92-1	0.69	0.750-37 mg/l TCLP
K069			
Emission control dust or sludge from secondary lead smelting. - Non-Calcium sulfate (High Lead) Subcategory			
NA	NA	NA	RLEAD
K071			
K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.			
Mercury	7439-97-6	NA	0.20 mg/l TCLP
K071			
K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is to used) nonwastewaters that are not residues from RMERC.			
Mercury	7439-97-6	NA	0.025 mg/l TCLP

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NOTICE OF PROPOSED AMENDMENTS

Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.069	0.750-37 mg/l TCCLP
K088			
Spent potliners from primary aluminum reduction.			
Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
Benzo(k)fluoranthene	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Antimony	7440-36-0	1.9	1.152-1 mg/l TCCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCCLP
Barium	7440-39-3	1.2	217-6 mg/l TCCLP
Beryllium	7440-41-7	0.82	1.220-34 mg/l TCCLP
Cadmium	7440-43-9	0.69	0.110-19 mg/l TCCLP
Chromium (Total)	7440-47-3	2.77	0.600-86 mg/l TCCLP
Lead	7439-92-1	0.69	0.750-37 mg/l TCCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCCLP
Nickel	7440-02-0	3.98	115-0 mg/l TCCLP
Selenium	7782-49-2	0.82	5.70-16 mg/l TCCLP
Silver	7440-22-4	0.43	0.140-30 mg/l TCCLP
Cyanide (Total)(7)	57-12-5	1.2	590
Cyanide (Amenable)(7)	57-12-5	0.86	30
Fluoride	16984-48-8	35	48 mg/l TCCLP

K093			
Distillation light ends from the production of phthalic anhydride from ortho-xylene.			
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28

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NOTICE OF PROPOSED AMENDMENTS

K094			
Distillation bottoms from the production of phthalic anhydride from ortho-xylene.			
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K095			
Distillation bottoms from the production of 1,1,1-trichloroethane.			
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
1,1,2,2-Tetrachloroethane	127-18-4	0.056	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
K096			
Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.			
m-Dichlorobenzene	541-73-1	0.036	6.0
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
K097			
Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.			
Chlordane alpha and gamma isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorocyclopentadiene	77-47-4	0.057	2.4

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K098	
Untreated process wastewater from the production of toxaphene.	2.6
8001-35-2	0.0095
K099	
Untreated wastewater from the production of 2,4-D.	10
2,4-Dichlorophenoxy- acetic acid	94-75-7 0.72
HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA 0.000063
HxCDFs (All Hexachloro- dibenzofurans)	NA 0.000063
PeCDDs (All Pentachloro- dibenzo-p-dioxins)	NA 0.000063
PeCDFs (All Pentachloro- dibenzofurans)	NA 0.000035
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA 0.000063
TCDFs (All Tetrachloro- dibenzofurans)	NA 0.000063
K100	
Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.	
Cadmium	7440-43-9 0.69
Chromium (Total)	7440-47-3 2.77
Lead	7439-92-1 0.69
K101	
Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	
o-Nitroaniline	88-74-4 0.27
Arsenic	7440-38-2 1.4
Cadmium	7440-43-9 0.69
Lead	7439-92-1 0.69
Mercury	7439-97-6 0.15
K102	
Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	
o-Nitrophenol	88-75-5 0.028
Arsenic	7440-38-2 1.4
Cadmium	7440-43-9 0.69
Lead	7439-92-1 0.69
Mercury	7439-97-6 0.15
K103	

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Process residues from aniline extraction from the production of aniline.	
Aniline	62-53-3 0.81 14
Benzene	71-43-2 0.14 10
2,4-Dinitrophenol	51-28-5 0.12 160
Nitrobenzene	98-95-3 0.068 14
Phenol	108-95-2 0.039 6.2
K104	
Combined wastewater streams generated from nitrobenzene or aniline production.	
Aniline	62-53-3 0.81 14
Benzene	71-43-2 0.14 10
2,4-Dinitrophenol	51-28-5 0.12 160
Nitrobenzene	98-95-3 0.068 14
Phenol	108-95-2 0.039 6.2
Cyanides (Total)(7)	57-12-5 1.2 590
K105	
Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	
Benzene	71-43-2 0.14 10
Chlorobenzene	108-90-7 0.057 6.0
2-Chlorophenol	95-57-8 0.044 5.7
o-Dichlorobenzene	95-50-1 0.088 6.0
p-Dichlorobenzene	106-46-7 0.090 6.0
Phenol	108-95-2 0.039 6.2
2,4,5-Trichlorophenol	95-95-4 0.18 7.4
2,4,6-Trichlorophenol	88-06-2 0.035 7.4
K106	
K106 (wastewater treatment sludge from the mercury cell process in chloroaine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.	
Mercury	7439-97-6 NA RMERC
K106	
K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.	
Mercury	7439-97-6 NA 0.20 mg/l TCLP
K106	
Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.	
Mercury	7439-97-6 NA 0.025 mg/l TCLP
K106	
All K106 wastewaters.	

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- Mercury 7439-97-6 0.15 NA
- K107 Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. NA CMBST; or CHOXD fb CARN; or BIODG fb CARN
- K108 Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. NA CMBST; or CHOXD fb CARN; or BIODG fb CARN
- K109 Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. NA CMBST; or CHOXD fb CARN; or BIODG fb CARN
- K110 Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides. NA CMBST; or CHOXD fb CARN; or BIODG fb CARN
- K111 Product washwaters from the production of dinitrotoluene via nitration of toluene. 121-1-1 0.32 140 2,4-Dinitrotoluene 606-20-2 0.55 28
- K112 Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene. NA CMBST; or CHOXD fb CARN; or BIODG fb CARN

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NOTICE OF PROPOSED AMENDMENTS

- K113 Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. NA CARN; or CMBST
- K114 Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. NA CARN; or CMBST
- K115 Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene. 7440-02-0 3.98 11 5-9 mg/l TCLP Nickel NA CARN; or CMBST
- K116 Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine. NA CARN; or CMBST
- K117 Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene. Methyl bromide (Bromo-methane) 74-83-9 0.11 15 Chloroform 67-66-3 0.046 6.0 Ethylene-dibromide (1,2-dibromoethane) 106-93-4 0.028 15
- K118 Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene. Methyl bromide (Bromo-methane) 74-83-9 0.11 15 Chloroform 67-66-3 0.046 6.0 Ethylene dibromide (1,2-Dibromoethane) 106-93-4 0.028 15
- K123 Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdiethiocarbamic acid and its salts. NA CMBST;

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K124	Reactor vent scrubber water from the production of ethylenedisulfidecarbamate acid and its salts.	or CHOXD fb (BIODG or CAREN)	
	NA	CMBST; or CHOXD fb (BIODG or CAREN)	CMBST
K125	Filtration, evaporation, and centrifugation solids from the production of ethylenedisulfidecarbamate acid and its salts.		
	NA	CMBST; or CHOXD fb (BIODG or CAREN)	CMBST
K126	Baghouse dust and floor sweeping in milling and packaging operations from the production of ethylenedisulfidecarbamate acid and its salts.		
	NA	CMBST; or CHOXD fb (BIODG or CAREN)	CMBST
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.		
	Methyl bromide (Bromo- methane)	74-83-9	0.11
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.		
	Methyl bromide (Bromo- methane)	74-83-9	0.11
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.		
	Methyl bromide (Bromo- methane)	74-83-9	0.11
	Chloroform	67-66-3	0.046
	Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028

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NOTICE OF PROPOSED AMENDMENTS

K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).		
	Benzenes Benz(a)anthracene Benz(a)pyrene Benzo(b)fluoranthene (difficult to distinguish from benzo- (k)fluoranthene) Benzo(k)fluoranthene (difficult to distinguish from benzo- (b)fluoranthene) Chrysene Diben(a,h)anthracene Indeno(1,2,3-cd)pyrene	71-43-2 56-55-3 50-2-8 205-99-2 0.14 0.059 0.061 0.11 0.11 0.059 0.055 0.0055	10 3.4 3.4 6.8 6.8 3.4 8.2 3.4
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.		
	Benzenes Benz(a)anthracene Benz(a)pyrene Benzo(b)fluoranthene (difficult to distinguish from benzo- (k)fluoranthene) Benzo(k)fluoranthene (difficult to distinguish from benzo- (b)fluoranthene) Chrysene Diben(a,h)anthracene Indeno(1,2,3-cd)pyrene	71-43-2 56-55-3 50-32-8 205-99-2 0.14 0.059 0.061 0.11 0.11 0.059 0.055 0.0055	10 3.4 3.4 6.8 6.8 3.4 8.2 3.4
K143	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.		
	Benzenes Benz(a)anthracene Benz(a)pyrene Benzo(b)fluoranthene (difficult to distinguish from benzo- (k)fluoranthene)	71-43-2 56-55-3 50-32-8 205-99-2 0.14 0.059 0.055 0.0055	10 3.4 3.4 6.8 3.4 8.2 3.4

POLLUTION CONTROL BOARD

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(k)fluoranthene) 207-08-9 0.11 6.8
 Benzo(k)fluoranthene
 (difficult to
 distinguish from benzo-
 (b)fluoranthene)
 Chrysene 218-01-9 0.059 3.4

K144

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
 Benz(a)anthracene 56-55-3 0.059 3.4
 Benzo(a)pyrene 50-32-8 0.061 3.4
 Benzo(b)fluoranthene 205-99-2 0.11 6.8
 (difficult to
 distinguish from benzo-
 (k)fluoranthene)
 Benzo(k)fluoranthene 207-08-9 0.11 6.8
 (difficult to
 distinguish from benzo-
 (b)fluoranthene)
 Chrysene 218-01-9 0.059 3.4
 Dibenz(a,h)anthracene 53-70-3 0.055 8.2

K145

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene 71-43-2 0.14 10
 Benz(a)anthracene 56-55-3 0.059 3.4
 Benzo(a)pyrene 50-32-8 0.061 3.4
 Chrysene 218-01-9 0.059 3.4
 Dibenz(a,h)anthracene 53-70-3 0.055 8.2
 Naphthalene 91-20-3 0.059 5.6

K147

Tar storage tank residues from coal tar refining.

Benzene 71-43-2 0.14 10
 Benz(a)anthracene 56-55-3 0.059 3.4
 Benzo(a)pyrene 50-32-8 0.061 3.4
 Benzo(b)fluoranthene 205-99-2 0.11 6.8
 (difficult to
 distinguish from benzo-
 (k)fluoranthene)
 Benzo(k)fluoranthene 207-08-9 0.11 6.8
 (difficult to
 distinguish from benzo-
 (b)fluoranthene)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chrysene 218-01-9 0.059 3.4
 Dibenz(a,h)anthracene 53-70-3 0.055 8.2
 Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K148

Residues from coal tar distillation, including, but not limited to, still bottoms.

Benz(a)anthracene 56-55-3 0.059 3.4
 Benzo(a)pyrene 50-32-8 0.061 3.4
 Benzo(b)fluoranthene 205-99-2 0.11 6.8
 (difficult to
 distinguish from benzo-
 (k)fluoranthene)
 Benzo(k)fluoranthene 207-08-9 0.11 6.8
 (difficult to
 distinguish from benzo-
 (b)fluoranthene)
 Chrysene 218-01-9 0.059 3.4
 Dibenz(a,h)anthracene 53-70-3 0.055 8.2
 Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K149

Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene 108-90-7 0.057 6.0
 Chloroform 67-66-3 0.046 6.0
 Chloromethane 74-87-3 0.19 30
 p-Dichlorobenzene 106-46-7 0.090 6.0
 Hexachlorobenzene 118-74-1 0.055 10
 Pentachlorobenzene 608-93-5 0.055 10
 1,2,4,5-Tetrachloro-
 benzene 95-94-3 0.055 14
 Toluene 108-88-3 0.080 10

K150

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Carbon tetrachloride 56-23-5 0.057 6.0
 Chloroform 67-66-3 0.046 6.0
 Chloromethane 74-87-3 0.19 30
 p-Dichlorobenzene 106-46-7 0.090 6.0
 Hexachlorobenzene 118-74-1 0.055 10
 Pentachlorobenzene 608-93-5 0.055 10
 1,2,4,5-Tetrachloro-
 benzene 95-94-3 0.055 14

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

benzene	79-34-5	0.057	6.0
1,1,2,2-tetrachloro-ethane	127-18-4	0.056	6.0
Tetrachloroethylene	120-82-1	0.055	19

K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzone	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10

K156

Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.)(10)

Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbaryl	63-25-21	0.006	0.14
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Naphthalene	78-93-3	0.28	36
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10
Triethylamine	121-44-8	0.081	1.5

K157

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.)(10)

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
o-Phenylenediamine	95-54-5	0.056	5.6
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081	1.5

K158

Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.)(10)

Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chloroform	67-66-3	0.046	6.0
Methylene chloride	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2

K159

Organics from the treatment of thiocarbamate wastes.(10)

Benzene	71-43-2	0.14	10
Butylate	2008-41-5	0.042	1.4
EPTC (Eptam)	759-94-4	0.042	1.4
Molinate	2212-67-1	0.042	1.4
Pebulate	1114-71-2	0.042	1.4
Vernolate	1929-77-7	0.042	1.4

K161

Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts.(10)

Antimony	7440-36-0	1.9	1.152±3 mg/l TCLP
Arsenic	7440-38-2	1.4±9	5.0 mg/l TCLP
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Dithiocarbamates (total)	NA	0.028	28
Lead	7439-92-1	0.69	0.750±37 mg/l TCLP
Nickel	7440-02-0	3.98	115±6 mg/l TCLP
Selenium	7782-49-2	0.82	5.70±16 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

		CHOXD) fb CARN; or CMBST			
P018 Brucine Brucine	357-57-3	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
P020 2-sec-Butyl-4,6-dinitrophenol (Dinoseb) 2-sec-Butyl-4,6-dinitro- phenol (Dinoseb)		0.066	2.5		
P021 Calcium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86			
P022 Carbon disulfide Carbon disulfide Carbon disulfide; alternate(6) standard for nonwastewaters only	75-15-0 75-15-0	3.8 NA	CMBST 4.8 mg/l TCLP		
P023 Chloroacetaldehyde Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
P024 p-Chloroaniline p-Chloroaniline	106-47-8	0.46	16		
P026 1-(o-Chlorophenyl)thiourea 1-(o-Chlorophenyl)thio- urea	5344-82-1	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
P027 3-Chloropropionitrile					

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

		(WETOX or CHOXD) fb CARN; or CMBST			
3-Chloropropionitrile	542-76-7	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
P028 Benzyl chloride Benzyl chloride	100-44-7	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
P029 Copper cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86			
P030 Cyanides (soluble salts and complexes) Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86			
P031 Cyanogen Cyanogen	460-19-5	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST		
P033 Cyanogen chloride Cyanogen chloride	506-77-4	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST		
P034 2-Cyclohexyl-4,6-dinitrophenol 2-Cyclohexyl-4,6- dinitrophenol	131-89-5	(WETOX or CHOXD) fb CARN; or CMBST	CMBST		
P036 Dichlorophenylarsine Arsenic	7440-38-2	1.4			5.0 mg/l TCLP
P037 Dieldrin Dieldrin	60-57-1	0.017			0.13
P038					

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P058	Fluoroacetic acid, sodium salt				
	Fluoroacetic acid, sodium salt	62-74-8			
				CHOXD) fb	
				CARBN; or	
				CMBST	
P059	Heptachlor				
	Heptachlor	76-44-8	0.0012		
	Heptachlor epoxide	1024-57-3	0.016		
P060	Isodrin				
	Isodrin	465-73-6	0.021		
P062	Hexaethyl tetraphosphate				
	Hexaethyl tetraphosphate	757-58-4			
				CARBN; or	
				CMBST	
P063	Hydrogen cyanide				
	Cyanides (Total)(7)	57-12-5	1.2		590
	Cyanides (Amenable)(7)	57-12-5	0.86		30
P064	Isocyanic acid, ethyl ester				
	Isocyanic acid, ethyl ester	624-83-9			
				(WETOX or	
				CHOXD) fb	
				CARBN; or	
				CMBST	
P065	(mercury fulminate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.				
	Mercury	7439-97-6	NA		
					IMERC
P065	(mercury fulminate) nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.				
	Mercury	7339-97-6			
					RMERC

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P065	(mercury fulminate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.				
	Mercury	7439-97-6	NA		
					0.20 mg/l TCLP
P065	(mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.				
	Mercury	7439-97-6	NA		
					0.025 mg/l TCLP
P065	All P065 (mercury fulminate) wastewaters.				
	Mercury	7439-97-6	0.15		
					NA
P066	Methomyl				
	Methomyl	16752-77-5			
				(WETOX or	
				CHOXD) fb	
				CARBN; or	
				CMBST	
P067	2-Methyl-aziridine				
	2-Methyl-aziridine	75-55-8			
				(WETOX or	
				CHOXD) fb	
				CARBN; or	
				CMBST	
P068	Methyl hydrazine				
	Methyl hydrazine	60-34-4			
				CHOXD; CHRED;	
				CARBN; BIODG;	
				or CMBST	
P069	2-Methylallactonitrile				
	2-Methylallactonitrile	75-86-5			
				(WETOX or	
				CHOXD) fb	
				CARBN; or	
				CMBST	
P070	Aldicarb				
	Aldicarb	116-06-3			
				(WETOX or	
				CHOXD) fb	
				CARBN; or	
				CMBST	

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NOTICE OF PROPOSED AMENDMENTS

P092	P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	NA	0.025 mg/l TCCLP	
P092	Mercury	7439-97-6	NA	
P093	All P092 (phenyl mercuric acetate) wastewaters.	7439-97-6	0.15	
P093	Mercury		NA	
P093	Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	
P094	Phenylthiourea			
P094	Phosphate	298-02-2	0.021	
P095	Phosphate		4.6	
P095	Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	
P096	Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	
P097	Famphur	52-85-7	0.017	
P098	Potassium cyanide, Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30
P099	Potassium silver cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Silver	57-12-5 57-12-5 7440-22-4	1.2 0.86 0.43	590 30 0.140-30 mg/l TCCLP
P101				

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Ethyl cyanide (Propanenitrile)				
Ethyl cyanide (Propanenitrile)	107-12-0	0.24		360
P102				
Propargyl alcohol				
Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
P103				
Selenourea				
Selenium	7782-49-2	0.82		5.70-16 mg/l TCCLP
P104				
Silver cyanide				
Cyanides (Total)(7)	57-12-5	1.2		590
Cyanides (Amenable)(7)	57-12-5	0.86		30
Silver	7440-22-4	0.43		0.140-30 mg/l TCCLP
P105				
Sodium azide				
Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST		CHOXD; CHRED; or CMBST
P106				
Sodium cyanide				
Cyanides (Total)(7)	57-12-5	1.2		590
Cyanides (Amenable)(7)	57-12-5	0.86		30
P108				
Strychnine and salts				
Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
P109				
Tetraethyldithiopyrophosphate				
Tetraethyldithiopyro- phosphate	3689-24-5	CARBN; or CMBST		CMBST
P110				
Tetraethyl lead				
Lead	7439-92-1	0.69		0.750-37 mg/l TCCLP

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NOTICE OF PROPOSED AMENDMENTS

P111 Tetraethylpyrophosphate Tetraethylpyrophosphate	107-49-3	CARBEN; or CMBST	CMBST	
P112 Tetranitromethane Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST	
P113 Thallous oxide Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL	
P114 Thallium selenite Selenium	7782-49-2	0.82	5.70-16 mg/l TCLP	
P115 Thallium (I) sulfate Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL	
P116 Thiosemicarbazide Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P118 Trichloromethanethiol Trichloromethanethiol	75-70-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P119 Ammonium vanadate Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL	
P120 Vanadium pentoxide Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL	

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NOTICE OF PROPOSED AMENDMENTS

P121 Zinc cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86		590 30
P122 Zinc phosphide Zinc phosphide Zn[3]P[2], when present at concentrations greater than 10 percent Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST		CHOXD; CHRED; or CMBST
P123 Toxaphene Toxaphene	8001-35-2	0.0095		2.6
P127 Carbofuran(10) Carbofuran	1563-66-2	0.006		0.14
P128 Mexacarbonate(10) Mexacarbonate	315-18-4	0.056		1.4
P185 Tirpate(10) Tirpate	26419-73-8	0.056		0.28
P188 Physostigmine salicylate (10) Physostigmine salicylate	57-64-7	0.056		1.4
P189 Carbosulfan(10) Carbosulfan	55285-14-8	0.028		1.4
P190 Metolcarb(10) Metolcarb	1129-41-5	0.056		1.4
P191 Dimetilan(10) Dimetilan	644-64-4	0.056		1.4
P192 Isolan(10) Isolan	119-38-0	0.056		1.4

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

P194 Oxamyl(10) Oxamyl	23135-22-0	0.056	0.28	
P196 Manganese dimethyldithiocarbamates (total)(10) Dithiocarbamates (total)	NA	0.028	28	
P197 Formparanate(10) Formparanate	17702-57-7	0.056	1.4	
P198 Formetanate hydrochloride(10) Formetanate hydro- chloride	23422-53-9	0.056	1.4	
P199 Methiocarb(10) Methiocarb	2032-65-7	0.056	1.4	
P201 Promecarb(10) Promecarb	2631-37-0	0.056	1.4	
P202 m-Cumenyl methylcarbamate(10) m-Cumenyl methyl- carbamate	64-00-6	0.056	1.4	
P203 Aldicarb sulfone(10) Aldicarb sulfone	1646-88-4	0.056	0.28	
P204 Physostigmine(10) Physostigmine	57-47-6	0.056	1.4	
P205 Zirman(10) Dithiocarbamates (total)	NA	0.028	28	
U001 Acetaldehyde Acetaldehyde	75-07-0	(WETOX or CHOXD) fb	CMBST	

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NOTICE OF PROPOSED AMENDMENTS

U002 Acetone Acetone	67-64-1	0.28	160	CARBN; or CMBST
U003 Acetonitrile Acetonitrile Acetonitrile; alternate (6) standard for nonwastewaters only	75-05-8 75-05-8	5.6 NA	CMBST 38	
U004 Acetophenone Acetophenone	98-86-2	0.010	9.7	
U005 2-Acetylaminofluorene 2-Acetylaminofluorene	53-96-3	0.059	1.40	
U006 Acetyl chloride Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U007 Acrylamide Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U008 Acrylic acid Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U009 Acrylonitrile Acrylonitrile	107-13-1	0.24	84	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U010 Mitomycin C Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U011 Amitrole Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U012 Aniline Aniline	62-53-3	0.81	14
U014 Auramine Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U015 Azaserine Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U016 Benz(c)acridine Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U017 Benzal chloride Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U018 Benz(a)anthracene			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Benz(a)anthracene	56-55-3	0.059	3.4
U019 Benzene Benzene	71-43-2	0.14	10
U020 Benzenesulfonyl chloride Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U021 Benzidine Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U022 Benzo(a)pyrene Benzo(a)pyrene	50-32-8	0.061	3.4
U023 Benzotrichloride Benzotrichloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U024 bis(2-Chloroethoxy)methane bis(2-Chloroethoxy)- methane	111-91-1	0.036	7.2
U025 bis(2-Chloroethyl)ether bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
U026 Chlornaphazine Chlornaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U027 bis(2-Chloroisopropyl)ether			

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

bis(2-Chloroisopropyl) ether	39638-32-9	0.055	7.2	
U028				
bis(2-Ethylhexyl)phthalate				
bis(2-Ethylhexyl)-phthalate	117-81-7	0.28	28	
U029				
Methyl bromide (Bromomethane)				
Methyl bromide (Bromo-methane)	74-83-9	0.11	15	
U030				
4-Bromophenyl phenyl ether				
4-Bromophenyl phenyl ether	101-55-3	0.055	15	
U031				
n-Butyl alcohol				
n-Butyl alcohol	71-36-3	5.6	2.6	
U032				
Calcium chromate				
Chromium (Total)	7440-47-3	2.77	0.600-0.06 mg/l TCLP	
U033				
Carbon oxyfluoride				
Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U034				
Trichloroacetaldehyde (Chloral)				
Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U035				
Chlorambucil				
Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U036				

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Chlordane				
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26	
U037				
Chlorobenzene				
Chlorobenzene	108-90-7	0.057	6.0	
U038				
Chlorobenzilate				
Chlorobenzilate	510-15-6	0.10	CMBST	
U039				
p-Chloro-m-cresol				
p-Chloro-m-cresol	59-50-7	0.018	14	
U041				
Epichlorohydrin (1-Chloro-2,3-epoxypropane)				
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U042				
2-Chloroethyl vinyl ether				
2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST	
U043				
Vinyl chloride				
Vinyl chloride	75-01-4	0.27	6.0	
U044				
Chloroform				
Chloroform	67-66-3	0.046	6.0	
U045				
Chloromethane				
(Methyl chloride)				
Chloromethane (Methyl chloride)	74-87-3	0.19	30	
U046				
Chloromethyl methyl ether				
Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or	CMBST	

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U047 2-Chloronaphthalene 2-Chloronaphthalene	91-58-7	0.055	5.6	CMBST	U053 Crotonaldehyde Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U048 2-Chlorophenol 2-Chlorophenol	95-57-8	0.044	5.7		U055 Cumene Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U049 4-Chloro-o-toluidine hydrochloride 4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		U056 Cyclohexane Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U050 Chrysene Chrysene	218-01-9	0.059	3.4		U057 Cyclohexanone Cyclohexanone; alternate(6) standard for nonwastewaters only	108-94-1 108-94-1	0.36 NA	CMBST 0.75 mg/l TCLP
U051 Creosote Naphthalene Pentachlorophenol Phenanthrene Pyrene Toluene Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations) Lead	91-20-3 87-86-5 85-01-8 129-00-0 108-88-3 1330-20-7 7439-92-1	0.059 0.089 0.059 0.067 0.080 0.32 0.69	5.6 7.4 5.6 8.2 10 30 0.750-37 mg/l TCLP		U058 Cyclophosphamide Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST
U052 Cresols (Cresylic acid) o-Cresol m-Cresol (difficult to distinguish from p- cresol) p-Cresol (difficult to distinguish from m- cresol) Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p- cresol concentrations)	95-48-7 108-39-4 106-44-5 1319-77-3	0.11 0.77 0.77 0.88	5.6 5.6 5.6 11.2		U059 Daunomycin Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
					U060 DDD O,p'-DDD p,p'-DDD	53-19-0 72-54-8	0.023 0.023	0.087 0.087
					U061 DDT O,p'-DDT	789-02-6	0.0039	0.087

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NOTICE OF PROPOSED AMENDMENTS

P,p'-DDT 0.0039 0.087
 o,p'-DDD 0.023 0.087
 p,p'-DDD 0.023 0.087
 o,p'-DDE 0.031 0.087
 p,p'-DDE 0.031 0.087

U062

Diallate

Diallate

2303-16-4

(WETOX or
 CHOXD) fb
 CARBN; or
 CMBST

CMBST

U063

Dibenz(a,h)anthracene

Dibenz(a,h)anthracene

53-70-3

0.055

8.2

U064

Dibenz(a,i)pyrene

Dibenz(a,i)pyrene

189-55-9

(WETOX or
 CHOXD) fb
 CARBN; or
 CMBST

CMBST

U066

1,2-Dibromo-3-chloro-

propane

1,2-Dibromo-3-

chloropropane

96-12-8

0.11

15

U067

Ethylene dibromide (1,2-Dibromoethane)

Ethylene dibromide

106-93-4

0.028

15

(1,2-Dibromoethane)

U068

Dibromomethane

Dibromomethane

74-95-3

0.11

15

U069

Di-n-butyl phthalate

Di-n-butyl phthalate

84-74-2

0.057

28

U070

o-Dichlorobenzene

o-Dichlorobenzene

95-50-1

0.088

6.0

U071

Methylene chloride

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

m-Dichlorobenzene
 m-Dichlorobenzene 541-73-1 0.036 6.0

U072

p-Dichlorobenzene

p-Dichlorobenzene

106-46-7

0.090

6.0

U073

3,3'-Dichlorobenzidine

3,3'-Dichlorobenzidine

91-94-1

(WETOX or
 CHOXD) fb
 CARBN; or
 CMBST

CMBST

U074

1,4-Dichloro-2-butene

cis-1,4-Dichloro-2-

butene

1476-11-5

(WETOX or
 CHOXD) fb
 CARBN; or
 CMBST

CMBST

trans-1,4-Dichloro-2-

butene

764-41-0

(WETOX or
 CHOXD) fb
 CARBN; or
 CMBST

CMBST

U075

Dichlorodifluoromethane

Dichlorodifluoromethane

75-71-8

0.23

7.2

U076

1,1-Dichloroethane

1,1-Dichloroethane

75-34-3

0.059

6.0

U077

1,2-Dichloroethane

1,2-Dichloroethane

107-06-2

0.21

6.0

U078

1,1-Dichloroethylene

1,1-Dichloroethylene

75-35-4

0.025

6.0

U079

1,2-Dichloroethylene

trans-1,2-Dichloro-

ethylene

156-60-5

0.054

30

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

Methylene chloride 75-09-2 0.089 30

U081
2,4-Dichlorophenol 120-83-2 0.044 14
2,4-Dichlorophenol

U082
2,6-Dichlorophenol 87-65-0 0.044 14
2,6-Dichlorophenol

U083
1,2-Dichloropropane 78-87-5 0.85 18
1,2-Dichloropropane

U084
1,3-Dichloropropylene 10061-01-5 0.036 18
cis-1,3-Dichloro-
propylene
trans-1,3-Dichloro-
propylene

U085
1,2:3,4-Diepoxybutane 1464-53-5 (WETOX or
1,2:3,4-Diepoxybutane CHOXD) fb
CARN; or
CMBST

U086
N,N'-Diethylhydrazine 1615-80-1 CHOXD; CHRED;
N,N'-Diethylhydrazine CARN; BIODG;
or CMBST

U087
O,O-Diethyl-S-methyldithiophosphate 3288-58-2 CARN; or
O,O-Diethyl-S-methyl- CMBST
dithiophosphate

U088
Diethyl phthalate 84-66-2 0.20 28
Diethyl phthalate

U089
Diethyl stilbestrol 56-53-1 (WETOX or
Diethyl stilbestrol CHOXD) fb
CARN; or
CMBST

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

CMBST

U090
Dihydrosafrole 94-58-6 (WETOX or
Dihydrosafrole CHOXD) fb
CARN; or
CMBST

U091
3,3'-Dimethoxybenzidine 119-90-4 (WETOX or
3,3'-Dimethoxybenzidine CHOXD) fb
CARN; or
CMBST

U092
Dimethylamine 124-40-3 (WETOX or
Dimethylamine CHOXD) fb
CARN; or
CMBST

U093
p-Dimethylaminoazobenzene 60-11-7 0.13 CMBST
p-Dimethyl-
aminoazobenzene

U094
7,12-Dimethylbenz(a) anthracene 57-97-6 (WETOX or
7,12-Dimethylbenz(a)- CHOXD) fb
anthracene CARN; or
CMBST

U095
3,3'-Dimethylbenzidine 119-93-7 (WETOX or
3,3'-Dimethylbenzidine CHOXD) fb
CARN; or
CMBST

U096
alpha, alpha-Dimethyl benzyl hydroperoxide CHOXD; CHRED;
alpha, alpha-Dimethyl 80-15-9 CARN; BIODG;
benzyl hydroperoxide or CMBST

U097
Dimethylcarbamoyl chloride 79-44-7 (WETOX or
Dimethylcarbamoyl CHOXD) fb
chloride CMBST

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

CARBN; or
CMBST

U098
1,1-Dimethylhydrazine
1,1-Dimethylhydrazine
57-14-7 CHOXD; CHRED;
CARBN; BIODG;
or CMBST

CHOXD; CHRED;
or CMBST

U099
1,2-Dimethylhydrazine
1,2-Dimethylhydrazine
540-73-8 CHOXD; CHRED;
CARBN; BIODG;
or CMBST

CHOXD; CHRED;
or CMBST

U101
2,4-Dimethylphenol
2,4-Dimethylphenol
105-67-9 0.036 14

U102
Dimethyl phthalate
Dimethyl phthalate
131-11-3 0.047 28

U103
Dimethyl sulfate
Dimethyl sulfate
77-78-1 CHOXD; CHRED;
CARBN; BIODG;
or CMBST

CHOXD; CHRED;
or CMBST

U105
2,4-Dinitrotoluene
2,4-Dinitrotoluene
121-14-2 0.32 140

U106
2,6-Dinitrotoluene
2,6-Dinitrotoluene
606-20-2 0.55 28

U107
Di-n-octyl phthalate
Di-n-octyl phthalate
117-84-0 0.017 28

U108
1,4-Dioxane
1,4-Dioxane
123-91-1 (WETOX or
CHOXD) fb
CARBN; or
CMBST
12.0NA 170

CMBST

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

(6) standard for
nonwastewaters only

U109
1,2-Diphenylhydrazine
1,2-Diphenylhydrazine
122-66-7 CHOXD; CHRED;
CARBN; BIODG;
or CMBST

CHOXD; CHRED;
CARBN; BIODG;
or CMBST

1,2-Diphenylhydrazine;
alternate(6) standard
for wastewaters only
122-66-7 0.087 NA

U110
Dipropylamine
Dipropylamine
142-84-7 (WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U111
Di-n-propylnitrosamine
Di-n-propylnitrosamine
621-64-7 0.40 14

U112
Ethyl acetate
Ethyl acetate
141-78-6 0.34 33

U113
Ethyl acrylate
ethyl acrylate
140-88-8 (WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U114
Ethylenebisdithiocarbamic acid salts and esters
Ethylenebisdithio-
carbamic acid
111-54-6 (WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U115
Ethylene oxide
Ethylene oxide
75-21-8 (WETOX or
CHOXD) fb
CARBN; or
CMBST

CHOXD; or
CMBST

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Ethylene oxide; alternate(6) standard for wastewaters only	75-21-8	0.12	NA
U116			
Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARN; or CMBST	CMBST
U117			
Ethyl ether	60-29-7	0.12	160
U118			
Ethyl methacrylate	97-63-2	0.14	160
U119			
Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARN; or CMBST	CMBST
U120			
Fluoranthene	206-44-0	0.068	3.4
U121			
Trichloromonofluoromethane	75-69-4	0.020	30
U122			
Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARN; or CMBST	CMBST
U123			
Formic acid	64-18-6	(WETOX or CHOXD) fb CARN; or CMBST	CMBST

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

U124			
Furan	110-00-9	(WETOX or CHOXD) fb CARN; or CMBST	CMBST
U125			
Furfural	98-01-1	(WETOX or CHOXD) fb CARN; or CMBST	CMBST
U126			
Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARN; or CMBST	CMBST
U127			
Hexachlorobenzene	118-74-1	0.055	10
U128			
Hexachlorobutadiene	87-68-3	0.055	5.6
U129			
Lindane	319-84-6	0.00014	0.066
alpha-BHC	319-85-7	0.00014	0.066
beta-BHC	319-86-8	0.023	0.066
delta-BHC	58-89-9	0.0017	0.066
U130			
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
U131			
Hexachloroethane	67-72-1	0.055	30
U132			
Hexachlorophene	70-30-4	(WETOX or CMBST	CMBST

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

CHOXD) fb
CARBN; or
CMBST

U133

Hydrazine
Hydrazine

302-01-2

CHOXD; CHRED;
CARBN; BIODG;
or CMBST

CHOXD; CHRED;
or CMBST

U134

Hydrogen fluoride
Fluoride (measured in
wastewaters only)

16964-48-8

35

ADGRS fb
NEUTR; or
NEUTR

U135

Hydrogen sulfide
Hydrogen sulfide

7783-06-4

CHOXD; CHRED;
or CMBST

CHOXD; CHRED;
or CMBST

U136

Cacodylic acid
Arsenic

7440-38-2

1.4

5.0 mg/l TCLP

U137

Indeno(1,2,3-c,d)pyrene
Indeno(1,2,3-c,d)pyrene

193-39-5

0.0055

3.4

U138

Iodomethane
Iodomethane

74-88-4

0.19

65

U140

Isobutyl alcohol
Isobutyl alcohol

78-83-1

5.6

170

U141

Isosafrole
Isosafrole

120-58-1

0.081

2.6

U142

Kepone
Kepone

143-50-8

0.0011

0.13

U143

Lasiocarpine
Lasiocarpine

303-34-4

(WETOX or

CMBST

POLLUTION CONTROL BOARD

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CHOXD) fb
CARBN; or
CMBST

U144

Lead acetate
Lead

7439-92-1

0.69

0.750±37 mg/l TCLP

U145

Lead phosphate
Lead

7439-92-1

0.69

0.750±37 mg/l TCLP

U146

Lead subacetate
Lead

7439-92-1

0.69

0.750±37 mg/l TCLP

U147

Maleic anhydride
Maleic anhydride

108-31-6

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U148

Maleic hydrazide
Maleic hydrazide

123-33-1

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U149

Malononitrile
Malononitrile

109-77-3

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U150

Melphalan
Melphalan

148-82-3

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U151

U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg
total mercury.

Mercury

7439-97-6

NA

RMERC

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U151	U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.	NA	0.20 mg/l TCLP	
Mercury	7439-97-6	NA	0.20 mg/l TCLP	
U151	U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only.	NA	0.025 mg/l TCLP	
Mercury	7439-97-6	NA	0.025 mg/l TCLP	
U151	All U151 (mercury) wastewater.	0.15	NA	
Mercury	7439-97-6	0.15	NA	
U151	Element Mercury Contaminated with Radioactive Materials	NA	AMLGM	
Mercury	7439-97-6	NA	AMLGM	
U152	Methacrylonitrile	0.24	84	
Methacrylonitrile	126-98-7	0.24	84	
U153	Methanethiol	(WETOX or CHOXD) fb	CMBST	
Methanethiol	74-93-1	(WETOX or CHOXD) fb	CMBST	
U154	Methanol	(WETOX or CHOXD) fb	CMBST	
Methanol	67-56-1	(WETOX or CHOXD) fb	CMBST	
	Methanol; alternate(6) set of standards for both wastewaters and nonwastewaters	5.6	0.75 mg/l TCLP	
U155	Methapyrilene	0.081	1.5	
Methapyrilene	91-80-5	0.081	1.5	
U156	Methyl chlorocarbonate			

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	Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb	CMBST
U157	3-Methylcholanthrene	56-49-5	0.0055	15
U158	4,4'-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
U159	Methyl ethyl ketone	78-93-3	0.28	36
U160	Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U161	Methyl isobutyl ketone	108-10-1	0.14	33
U162	Methyl methacrylate	80-62-6	0.14	160
U163	N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb	CMBST
U164	Methylthiouracil	56-04-2	(WETOX or CHOXD) fb	CMBST
U165	Naphthalene			

POLLUTION CONTROL BOARD
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Naphthalene	91-20-3	0.059	5.6
U166			
1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U167			
1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U168			
2-Naphthylamine	91-59-8	0.52	CMBST
U169			
Nitrobenzene	98-95-3	0.068	14
U170			
p-Nitrophenol	100-02-7	0.12	29
U171			
2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U172			
N-Nitrosodi-n-butylamine	924-16-3	0.40	17
U173			
N-Nitrosodietanolamine	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U174			

POLLUTION CONTROL BOARD
NOTICE OF PROPOSED AMENDMENTS

N-Nitrosodiethylamine	55-18-5	0.40	28
U176			
N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U177			
N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U178			
N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U179			
N-Nitrosopiperidine	100-75-4	0.013	35
U180			
N-Nitrosopyrrolidine	930-55-2	0.013	35
U181			
5-Nitro-o-toluidine	99-55-8	0.32	28
U182			
Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U183			
Pentachlorobenzene	608-93-5	0.055	10
U184			

POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
NOTICE OF PROPOSED AMENDMENTS		NOTICE OF PROPOSED AMENDMENTS	
Pentachloroethane	76-01-7	(WETOX or CHOXD) fb	CMBST
Pentachloroethane		CARBN; or CMBST	
Pentachloroethane; alternate(6) standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0
U185			
Pentachloronitrobenzene	82-68-8	0.055	4.8
U186			
1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb	CMBST
1,3-Pentadiene		CARBN; or CMBST	
U187			
Phenacetin	62-44-2	0.081	16
Phenacetin			
U188			
Phenol	108-95-2	0.039	6.2
Phenol			
U189			
Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
Phosphorus sulfide			
U190			
Phthalic anhydride	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)			
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
U191			
2-Picoline	109-06-8	(WETOX or	CMBST
2-Picoline			
U192			
Pronamide	23950-58-5	0.093	1.5
Pronamide			
U193			
1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb	CMBST
1,3-Propane sultone		CARBN; or CMBST	
U194			
n-Propylamine	107-10-8	(WETOX or CHOXD) fb	CMBST
n-Propylamine		CARBN; or CMBST	
U196			
Pyridine	110-86-1	0.014	16
Pyridine			
U197			
p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb	CMBST
p-Benzoquinone		CARBN; or CMBST	
U200			
Reserpine	50-55-5	(WETOX or CHOXD) fb	CMBST
Reserpine		CARBN; or CMBST	
U201			
Resorcinol	108-46-3	(WETOX or CHOXD) fb	CMBST
Resorcinol		CARBN; or CMBST	
U202			

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Saccharin and salts			
Saccharin	81-07-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
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U203			
Safrole	94-59-7	0.081	22
Safrole			
U204			
Selenium dioxide	7782-49-2	0.82	5.70±16 mg/l TCLP
Selenium			
U205			
Selenium sulfide	7782-49-2	0.82	5.70±16 mg/l TCLP
Selenium			
U206			
Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Streptozotocin			
U207			
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,4,5-Tetrachlorobenzene			
U208			
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,1,2-Tetrachloroethane			
U209			
1,1,2,2-Tetrachloroethane	79-34-5	0.057	6.0
1,1,2,2-Tetrachloroethane			
U210			
Tetrachloroethylene	127-18-4	0.056	6.0
Tetrachloroethylene			
U211			
Carbon tetrachloride	56-23-5	0.057	6.0
Carbon tetrachloride			
<hr/>			
U213			
Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Tetrahydrofuran			
U214			
Thallium (I) acetate	7440-28-0	1.4	RTERM; or STABL
Thallium (measured in wastewater only)			
U215			
Thallium (I) carbonate	7440-28-0	1.4	RTERM; or STABL
Thallium (measured in wastewater only)			
U216			
Thallium (I) chloride	7440-28-0	1.4	RTERM; or STABL
Thallium (measured in wastewater only)			
U217			
Thallium (I) nitrate	7440-28-0	1.4	RTERM; or STABL
Thallium (measured in wastewater only)			
U218			
Thioacetamide	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Thioacetamide			
U219			
Thiourea	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Thiourea			
U220			
Toluene	108-88-3	0.080	10
Toluene			
U221			
Toluenediamine	25376-45-8	CARBN; or	CMBST
Toluenediamine			

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U222	o-Toluidine hydrochloride o-Toluidine hydro- chloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U223	Toluene diisocyanate Toluene diisocyanate	26471-62-5	CARBN; or CMBST	CMBST
U225	Bromoform (Tribromomethane) Bromoform (Tribromo- methane)	75-25-2	0.63	15
U226	1,1,1-Trichloroethane 1,1,1-Trichloroethane	71-55-6	0.054	6.0
U227	1,1,2-Trichloroethane 1,1,2-Trichloroethane	79-00-5	0.054	6.0
U228	Trichloroethylene Trichloroethylene	79-01-6	0.054	6.0
U234	1,3,5-Trinitrobenzene 1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U235	tris-(2,3-Dibromopropyl)-phosphate tris-(2,3-Dibromo- propyl)-phosphate	126-72-7	0.11	0.10
U236	Trypan Blue Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or	CMBST

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U237	Uracil mustard Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U238	Urethane (Ethyl carbamate) Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U239	Xylenes Xylenes-mixed isomers (sum of o-,m-,and p- xylene concentrations)	1330-20-7	0.32	30
U240	2,4-D (2,4-Dichlorophenoxyacetic acid) 2,4-D (2,4-Dichloro- phenoxyacetic acid) 2,4-D (2,4-Dichloro- phenoxyacetic acid) salts and esters	94-75-7 NA	0.72 (WETOX or CHOXD)fb CARBN; or CMBST	10 CMBST
U243	Hexachloropropylene Hexachloropropylene	1888-71-7	0.035	30
U244	Thiram Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246	Cyanogen bromide Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U247				

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Methoxychlor	72-43-5	0.25	0.18
Methoxychlor			
U248			
Warfarin, & salts, when present at concentrations of 0.3 percent or less			
Warfarin	81-81-2	(WETOX or CHOXD) fb	CMBST
		CARBEN; or	
		CMBST	
U249			
Zinc phosphide, Zn[3]P[2], when present at concentrations of 10 percent or less			
Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	or CMBST
U271			
Benomyl(10)	17804-35-2	0.056	1.4
Benomyl			
U278			
Bendiocarb(10)	22781-23-3	0.056	1.4
Bendiocarb			
U279			
Carbaryl(10)	63-25-2	0.006	0.14
Carbaryl			
U280			
Barban(10)	101-27-9	0.056	1.4
Barban			
U328			
o-Toluidine	95-53-4	CMBST; or CHOXD fb	CMBST
O-Toluidine		(BIODG or CARBN); or	
		BIODG fb CARBN	
U353			
p-Toluidine	106-49-0	CMBST; or CHOXD fb	CMBST
p-Toluidine		(BIODG or CARBN); or	
		BIODG fb CARBN	
U359			

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2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb	CMBST
2-Ethoxyethanol		(BIODG or CARBN); or	
		BIODG fb CARBN	
U364			
Bendiocarb phenol(10)	22961-82-6	0.056	1.4
Bendiocarb phenol			
U367			
Carbofuran phenol(10)	1563-38-8	0.056	1.4
Carbofuran phenol			
U372			
Carbendazim(10)	10605-21-7	0.056	1.4
Carbendazim			
U373			
Propam(10)	122-42-9	0.056	1.4
Propam			
U387			
Prosulfocarb(10)	52888-80-9	0.042	1.4
Prosulfocarb			
U389			
Triallate(10)	2303-17-5	0.042	1.4
Triallate			
U394			
A2213(10)	30558-43-1	0.042	1.4
A2213			
U395			
Diethylene glycol, dicarbamate(10)	5952-26-1	0.056	1.4
Diethylene glycol, dicarbamate			
U404			
Triethylamine(10)	101-44-8	0.081	1.5
Triethylamine			
U409			
Thiophanate-methyl(10)	23564-05-8	0.056	1.4
Thiophanate-methyl			

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U410		
Thiodicarb(10)		
Thiodicarb	59669-26-0	0.019
		1.4
U411		
Propoxur(10)		
Propoxur	114-26-1	0.056
		1.4

Notes:

1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.

2 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

3 Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.

4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in 35 Ill. Adm. Code 728. Table C, "Technology Codes and Description of Technology-Based Standards". "fb" inserted between waste codes denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. ":" separates alternative treatment schemes.

5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724. Subpart O or 35 Ill. Adm. Code 725. Subpart O or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are

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to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

8 These wastes, when rendered nonhazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)

9 These wastes, when rendered nonhazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)

10 This footnote corresponds with note 10 to the table to 40 CFR 268.40, which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.

11 For these wastes, the definition of CMBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under 35 Ill. Adm. Code 724. Subpart O, or (3) combustion units operating under 35 Ill. Adm. Code 725. Subpart O.

BOARD NOTE: Derived from table to 40 CFR 268.40 (1997), as amended at 63 Fed. Reg. 24626 (May 4, 1998), 63 Fed. Reg. 28643 (May 26, 1998), and 63 Fed. Reg. 35149 (June 29, 1998).

NA means not applicable.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 728. TABLE U Universal Treatment Standards (UTS)

Regulated Constituent- Common Name	CAS(1) No.	Wastewater Standard Concentration (in mg/l(2))	Nonwastewater Standard Concentration (in mg/kg(3)) unless noted as "mg/l TCLP"
A2213(6)	30558-43-1	0.042	1.4
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb sulfone(6)	1546-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066

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Barban(6)	101-27-9	0.056	1.4
Bendiocarb(6)	22781-23-3	0.056	1.4
Bendiocarb phenol(6)	22961-82-6	0.056	1.4
Benomyl(6)	17804-35-2	0.056	1.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	10
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo- methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate(6)	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitro- phenol (Dinoseb)	88-85-7	0.066	2.5
Carbaryl(6)	63-25-2	0.006	0.14

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Carbenzadim(6)	10605-21-7	0.056	1.4	2-Chloronaphthalene	91-58-7	0.055	5.6
Carbofuran(6)	1563-66-2	0.006	0.14	2-Chlorophenol	95-57-8	0.044	5.7
Carbofuran phenol(6)	1563-38-8	0.056	1.4	3-Chloropropylene	107-05-1	0.036	30
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP	Chrysene	218-01-9	0.059	3.4
Carbon tetrachloride	56-23-5	0.057	6.0	o-Cresol	95-48-7	0.11	5.6
Carbosulfan(6)	55285-14-8	0.028	1.4	m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26	p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
p-Chloroaniline	106-47-8	0.46	16	m-Cumenyl methylcarbamate(6)	64-00-6	0.056	1.4
Chlorobenzene	108-90-7	0.057	6.0	Cyclohexanone	108-94-1	0.36	0.75mg/l TCLP
Chlorobenzilate	510-15-6	0.10	NA	o,p'-DDD	53-19-0	0.023	0.087
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28	p,p'-DDD	72-54-8	0.023	0.087
p-Chloro-m-cresol	59-50-7	0.018	14	o,p'-DDE	3424-82-6	0.031	0.087
Chlorodibromomethane	124-48-1	0.057	15	p,p'-DDE	72-55-9	0.031	0.087
Chloroethane	75-00-3	0.27	6.0	o,p'-DDT	789-02-6	0.0039	0.087
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2	p,p'-DDT	50-29-3	0.0039	0.087
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0	Dibenz(a,h)anthracene	53-70-3	0.055	8.2
2-Chloroethyl vinyl ether	110-75-8	0.062	NA	Dibenz(a,e)pyrene	192-65-4	0.061	NA
Chloroform	67-66-3	0.046	6.0	1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
bis(2-Chloroisopropyl) ether	39638-32-9	0.055	7.2	1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15
p-Chloro-m-cresol	59-50-7	0.040	14	Dibromomethane	74-95-3	0.11	15
Chloromethane (Methyl chloride)	74-87-3	0.19	30	m-Dichlorobenzene	541-73-1	0.036	6.0

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o-Dichlorobenzene	95-50-91	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
2,4-Dichloro-phenoxyacetic acid/2,4-D	94-75-7	0.72	10
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethylene glycol, dicarbamate(6)	5952-26-1	0.056	1.4
Diethyl phthalate	84-66-2	0.20	28
p-Dimethylaminoazobenzene	60-11-7	0.13	NA
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Dimetilan(6)	644-64-4	0.056	1.4
Di-n-butyl phthalate	84-74-2	0.057	28

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1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-O-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Dithiocarbamates (total)(6)	137-30-4	0.028	28
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-65-9	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
EPTC(6)	759-94-4	0.042	1.4
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10

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Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360	Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Ethylene oxide	75-21-8	0.12	NA	Iodomethane	74-88-4	0.19	65
Ethyl ether	60-29-7	0.12	160	Isobutyl alcohol	78-83-1	5.6	170
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28	Isodrin	465-73-6	0.021	0.066
Ethyl methacrylate	97-63-2	0.14	160	Isolan(6)	119-38-0	0.056	1.4
Ethylene-oxide	75-21-8	0.12	NA	Isosafrole	120-58-1	0.081	2.6
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28	Kepone	143-50-0	0.0011	0.13
Famphur	52-85-7	0.017	15	Methacrylonitrile	126-98-7	0.24	84
Fluoranthene	206-44-0	0.068	3.4	Methanol	67-56-1	5.6	0.75 mg/l TCLP
Fluorene	86-73-7	0.059	3.4	Methapyrene	91-80-5	0.081	1.5
Formetanate hydro- chloride(6)	23422-53-9	0.056	1.4	Methiocarb(6)	2032-65-7	0.056	1.4
Formparanate(6)	17702-57-7	0.056	1.4	Methomyl(6)	16752-77-5	0.028	0.14
Heptachlor	76-44-8	0.0012	0.066	Methoxychlor	72-43-5	0.25	0.18
Heptachlor epoxide	1024-57-3	0.016	0.066	3-Methylcholanthrene	56-49-5	0.0055	15
Hexachlorobenzene	118-74-1	0.055	10	4,4-Methylene bis(2- chloroaniline)	101-14-4	0.50	30
Hexachlorobutadiene	87-68-3	0.055	5.6	Methylene chloride	75-09-2	0.089	30
Hexachloro- cyclopentadiene	77-47-4	0.057	2.4	Methyl ethyl ketone	78-93-3	0.28	36
HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001	Methyl isobutyl ketone	108-10-1	0.14	33
HxCDFs (All Hexachloro- dibenzofurans)	NA	0.000063	0.001	Methyl methacrylate	80-62-6	0.14	160
Hexachloroethane	67-72-1	0.055	30	Methyl methanesulfonate	66-27-3	0.018	NA
Hexachloropropylene	1888-71-7	0.035	30	Methyl parathion	298-00-0	0.014	4.6
				Metolcarb(6)	1129-41-5	0.056	1.4
				Mexacarbate(6)	315-18-4	0.056	1.4

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Molinate(6)	2212-67-1	0.042	1.4
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
o-Nitroaniline	88-74-4	0.27	14
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butyl-amine	924-16-3	0.40	14
N-Nitrosomethylethyl-amine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Oxamyl(6)	23135-22-0	0.056	0.28
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pebulate(6)	1114-71-2	0.042	1.4
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001

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PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
o-Phenylenediamine(6)	95-54-5	0.056	5.6
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Physostigmine(6)	57-47-6	0.056	1.4
Physostigmine salicylate(6)	57-64-7	0.056	1.4
Promecarb(6)	2631-37-0	0.056	1.4
Pronamide	23950-58-5	0.093	1.5
Propam(6)	122-42-9	0.056	1.4
Propoxur(6)	114-26-1	0.056	1.4
Prosulfocarb(6)	52888-80-9	0.042	1.4
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	14

Chemical	NA	0.000063	0.001	acetic acid/2,4,5-T	96-18-4	0.85	30
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001	1,2,3-Trichloropropane	76-13-1	0.057	30
TCDFs (All Tetrachloro-dibenzofurans)	630-20-6	0.057	6.0	1,1,2-Trichloro-1,2,2-trifluoroethane	101-44-8	0.081	1.5
1,1,1,2-Tetrachloroethane	79-34-5	0.057	6.0	Triethylamine(6)	126-72-7	0.11	0.10
1,1,2,2-Tetrachloroethane	127-18-4	0.056	6.0	tris-(2,3-Dibromopropyl) phosphate	1929-77-7	0.042	1.4
Tetrachloroethylene	58-90-2	0.030	7.4	Vernolate(6)	75-01-4	0.27	6.0
2,3,4,6-Tetrachlorophenol	59669-26-0	0.019	1.4	Vinyl chloride	1330-20-7	0.32	30
Thiodicarb(6)	23564-05-8	0.056	1.4	Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	7440-36-0	1.9	1.152±1 mg/l TCLP
Thiophanate-methyl(6)	26419-73-8	0.056	0.28	Antimony	7440-38-2	1.4	5.0 mg/l TCLP
Tirpate(6)	108-88-3	0.080	10	Arsenic	7440-39-3	1.2	217.6 mg/l TCLP
Toluene	8001-35-2	0.0095	2.6	Barium	7440-41-7	0.82	1.220±0.14 mg/l TCLP
Toxaphene	2303-17-5	0.042	1.4	Beryllium	7440-43-9	0.69	0.110±19 mg/l TCLP
Triallate(6)	75-25-2	0.63	15	Cadmium	7440-47-3	2.77	0.500±06 mg/l TCLP
Tribromo-methane (Bromoform)	120-82-1	0.055	19	Chromium (Total)	57-12-5	1.2	590
1,2,4-Trichlorobenzene	71-55-6	0.054	6.0	Cyanides (Total)(4)	57-12-5	0.86	30
1,1,1-Trichloroethane	79-00-5	0.054	6.0	Cyanides (Amenable)(4)	16984-48-8	35	NA
1,1,2-Trichloroethane	79-01-6	0.054	6.0	Fluoride (5)	7439-92-1	0.69	0.750±37 mg/l TCLP
Trichloroethylene	75-69-4	0.020	30	Lead	7439-97-6	NA	0.20 mg/l TCLP
Trichloromonofluoromethane	95-95-4	0.18	7.4	Mercury-Nonwastewater from Retort	7439-97-6	0.15	0.025 mg/l TCLP
2,4,5-Trichlorophenol	88-06-2	0.035	7.4	Mercury-All Others	7440-02-0	3.98	115±0 mg/l TCLP
2,4,6-Trichlorophenol	93-76-5	0.72	7.9	Nickel	7782-49-2	0.82	5.70±16 mg/l TCLP
2,4,5-Trichlorophenoxy-				Selenium (7)			

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Silver	7440-22-4	0.43	0.140-30 mg/l TCLP
Sulfide	18496-25-8	14	NA
Thallium	7440-28-0	1.4	0.200-078 mg/l TCLP
Vanadium(5)	7440-62-2	4.3	1.60-23 mg/l TCLP
Zinc(5)	7440-66-6	2.61	4.35-3 mg/l TCLP

1 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

2 Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.

3 Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 40 CFR 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

5 These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(i).

6 This footnote corresponds with note 6 to the table to 40 CFR 268.48(a), which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.

7 This constituent is not an underlying hazardous constituent, as defined at Section 728.102(i), because its UMS level is greater than its TC level. Thus, a treated selenium waste would always be characteristically hazardous unless it is treated to below its characteristic level.

Note: NA means not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.48(a) (1997), as amended at 63

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Fed. Reg. 24626 (May 4, 1998) and 63 Fed. Reg. 28739 (May 26, 1998).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: RCRA Permit Program
- 2) Code Citation: 35 Ill. Adm. Code 703
- 3) Section Numbers:
703.155 Proposed Action:
703.280 Amended
703.280 Amended
703. Appendix A Amended
- 4) Statutory Authority: 415 ILCS 5/22.4 and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 17, 1998, proposing amendments in consolidated dockets R98-21/R99-2/R99-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

R98-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.

R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.

R99-7 Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

62 Fed. Reg. 37699
(July 14, 1997)
USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.

62 Fed. Reg. 45568
(August 28, 1997)
USEPA issued a second emergency extension of the alternative treatment standards for carbamate wastes for one year, until August

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26, 1998.

62 Fed. Reg. 64503
(December 5, 1997)
USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656
(December 8, 1997)
USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503
(April 15, 1998)
USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

63 Fed. Reg. 24595
(May 4, 1998)
USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963
(May 6, 1998)
USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

63 Fed. Reg. 28555
(May 26, 1998)
USEPA adopted "Phase IV" land disposal restrictions.

63 Fed. Reg. 33781
(June 19, 1998)
USEPA partially adopted the hazardous waste combustion rules.

63 Fed. Reg. 35147
(June 29, 1998)
USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has already taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997 in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997 federal extension of the national capacity variance as it has already expired by its own terms.

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In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

63 Fed. Reg. 42580 (August 10, 1998)
USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331 (August 31, 1998)
Technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 48124 (September 9, 1998)
USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394 (September 15, 1997)
USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

63 Fed. Reg. 38756 (July 20, 1998)
USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

63 Fed. Reg. 44146 (August 18, 1998)
USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

62 Fed. Reg. 48394 (September 15, 1997)
Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

62 Fed. Reg. 64503 (December 5, 1997)
Clarification of when a treatment variance is available.

62 Fed. Reg. 64656 (December 8, 1997)
Clarifying and corrective amendments to the Subpart CC rules.

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63 Fed. Reg. 18503 (April 15, 1998)
Pulp and paper industry sector standards.

63 Fed. Reg. 24595 (May 4, 1998)
Organobromine chemicals waste rules.

63 Fed. Reg. 24963 (May 6, 1998)
Used oil mixtures rules for PCB-contaminated oils.

63 Fed. Reg. 28555 (May 26, 1998)
"Phase IV" land disposal restrictions.

63 Fed. Reg. 33781 (June 19, 1998)
Hazardous waste combustion rules.

63 Fed. Reg. 35147 (June 29, 1998)
Technical amendments to the organobromine waste rules.

63 Fed. Reg. 38756 (July 20, 1998)
Correction to 40 C.F.R. 136.3(e), table.

63 Fed. Reg. 42580 (August 10, 1998)
Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.

63 Fed. Reg. 44146 (August 18, 1998)
Correction to 40 C.F.R. 136.3(e), table.

63 Fed. Reg. 46331 (August 31, 1998)
Technical amendments to the organobromine waste rules.

63 Fed. Reg. 48124 (September 9, 1998)
Extension of the Phase IV LDR compliance deadline.

Specifically, the amendments to Part 703 implement segments of the federal December 8, 1997, Subpart CC amendments and the June 19, 1998, hazardous waste combustion rules.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

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8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 703 includes a number of documents incorporated by reference, none of those incorporations are amended by the present amendments.

9) Are there any other amendments pending on this part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R98-21/R99-2/R99-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this

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proceeding.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

13) Regulatory Agenda on which this rulemaking was summarized: January and July 1998

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER 1: POLLUTION CONTROL BOARD
 SUBCHAPTER b: PERMITS

PART 703

RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
 703.100 Scope and Relation to Other Parts
 703.101 Purpose
 703.110 References

SUBPART B: PROHIBITIONS

Section
 703.120 Prohibitions in General
 703.121 RCRA Permits
 703.122 Specific Inclusions in Permit Program
 703.123 Specific Exclusions from Permit Program
 703.124 Discharges of Hazardous Waste
 703.125 Reapplications
 703.126 Initial Applications
 703.127 Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section
 703.140 Purpose and Scope
 703.141 Permits by Rule
 703.150 Application by Existing HWM Facilities and Interim Status Qualifications
 703.151 Application by New HWM Facilities
 703.152 Amended Part A Application
 703.153 Qualifying for Interim Status
 703.154 Prohibitions During Interim Status
 703.155 Changes During Interim Status
 703.156 Interim Status Standards
 703.157 Grounds for Termination of Interim Status
 703.158 Permits for Less Than an Entire Facility
 703.159 Closure by Removal
 703.160 Procedures for Closure Determination

SUBPART D: APPLICATIONS

Section

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703.180 Applications in General
 703.181 Contents of Part A
 703.182 Contents of Part B
 703.183 General Information
 703.184 Facility Location Information
 703.185 Groundwater Protection Information
 703.186 Exposure Information
 703.187 Solid Waste Management Units
 703.188 Other Information
 703.191 Public Participation: Pre-Application Public Notice and Meeting
 703.192 Public Participation: Public Notice of Application
 703.193 Public Participation: Information Repository
 703.200 Specific Part B Application Information
 703.201 Containers
 703.202 Tank Systems
 703.203 Surface Impoundments
 703.204 Waste Piles
 703.205 Incinerators that Burn Hazardous Waste
 703.206 Land Treatment
 703.207 Landfills
 703.208 Boilers and Industrial Furnaces Burning Hazardous Waste
 703.209 Miscellaneous Units
 703.210 Process Vents
 703.211 Equipment
 703.212 Drip Pads
 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

SUBPART E: SHORT TERM AND PHASED PERMITS

Section
 703.221 Emergency Permits
 703.222 Incinerator Conditions Prior to Trial Burn
 703.223 Incinerator Conditions During Trial Burn
 703.224 Incinerator Conditions After Trial Burn
 703.225 Trial Burns for Existing Incinerators
 703.230 Land Treatment Demonstration
 703.231 Research, Development and Demonstration Permits
 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section
 703.240 Permit Denial
 703.241 Establishing Permit Conditions
 703.242 Noncompliance Pursuant to Emergency Permit
 703.243 Monitoring
 703.244 Notice of Planned Changes (Repealed)
 703.245 Twenty-four Hour Reporting

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703.246 Reporting Requirements
703.247 Anticipated Noncompliance
703.248 Information Repository

_____, effective _____, amended in R98-21/R99-2/R99-7 at 22 Ill. Reg.

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.155 Changes During Interim Status

- a) Except as provided in subsection (b), below, the owner or operator of an interim status facility may make the following changes at the facility:
- 1) Treatment, storage or disposal of new hazardous wastes not previously identified in Part A of the permit application (and, in the case of newly listed or identified wastes, addition of the units being used to treat, store or dispose of the hazardous wastes on the date of the listing or identification) if the owner or operator submits a revised Part A permit application prior to such treatment, storage or disposal;
 - 2) Increases in the design capacity of processes used at the facility if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for the change) and the Agency approves the change because:
 - A) There is a lack of available treatment, storage or disposal capacity at other hazardous waste management facilities; or
 - B) The change is necessary to comply with a federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729.1;
 - 3) Changes in the processes for the treatment, storage or disposal of hazardous waste may be made at a facility or addition of processes if the owner or operator submits a revised Part A permit application prior to such a change (along with a justification explaining the need for change) and the Agency approves the change because:
 - A) The change is necessary to prevent a threat to human health or the environment because of an emergency situation; or
 - B) The change is necessary to comply with a federal, State or local requirement, including 35 Ill. Adm. Code 725, 728 or 729;
 - 4) Changes in the ownership or operational control of a facility if the new owner or operator submits a revised Part A permit application no later than 90 days prior to the scheduled change. When a transfer of ownership or operational control of a facility occurs, the old owner or operator shall comply with the requirements of 35 Ill. Adm. Code 725-Subpart H (financial requirements), until the new owner or operator has demonstrated to the Agency that it is complying with the requirements of that Subpart. The new owner or operator shall demonstrate compliance with the financial assurance requirements within six months after

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703.246 Reporting Requirements
703.247 Anticipated Noncompliance
703.248 Information Repository

SUBPART G: CHANGES TO PERMITS

Section
703.260 Transfer
703.270 Modification
703.271 Causes for Modification
703.272 Causes for Modification or Reissuance
703.273 Facility Siting
703.280 Permit Modification at the Request of the Permittee
703.281 Class 1 Modifications
703.282 Class 2 Modifications
703.283 Class 3 Modifications

APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended at R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. _____, effective _____

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the date of the change in the ownership or operational control of the facility. Upon demonstration to the Agency by the new owner or operator of compliance with the financial assurance requirements, the Agency shall notify the old owner or operator in writing that the old owner or operator no longer needs to comply with 35 Ill. Adm. Code 725. Subpart H as of the date of demonstration. All other interim status duties are transferred effective immediately upon the date of the change of ownership or operational control of the facility;

5) Changes made in accordance with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought USEPA; a court pursuant to the Environmental Protection Act; or, the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility;

6) Addition of newly regulated units for the treatment, storage or disposal of hazardous waste if the owner or operator submits a revised Part A permit application on or before the date on which the unit becomes subject to the new requirements.

b) Except as specifically allowed under this subsection, changes listed under subsection (a), above, must not be made if they amount to reconstruction of the HWM facility. Reconstruction occurs when the capital investment in the changes to the facility exceeds fifty percent of the capital cost of a comparable entirely new HWM facility. If all other requirements are met, the following changes may be made even if they amount to a reconstruction:

- 1) Changes made solely for the purpose of complying with requirements of 35 Ill. Adm. Code 725.293 for tanks and ancillary equipment.
- 2) If necessary to comply with federal, State or local requirements, including 35 Ill. Adm. Code 725, 728 or 729, changes to an existing unit, changes solely involving tanks or containers, or addition of replacement surface impoundments that satisfy the statutory standards of Section 35 Ill. Adm. Code 728.139.
- 3) Changes that are necessary to allow owners or operators to continue handling newly listed or identified hazardous wastes that have been treated, stored or disposed of at the facility prior to the effective date of the rule establishing the new listing or identification.
- 4) Changes during closure of a facility or of a unit within a facility made in accordance with an approved closure plan.
- 5) Changes necessary to comply with an interim status corrective action order issued by: USEPA under Section 3008(h) of the Resource Conservation and Recovery Act or other federal authority; a court pursuant to a judicial action brought by USEPA; a court pursuant to the Environmental Protection Act; or,

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the Board. Changes under this subsection are limited to the treatment, storage or disposal of solid waste from releases that originate within the boundary of the facility.

6) Changes to treat or store, in tanks, containers or containment buildings, hazardous wastes subject to land disposal restrictions imposed in 35 Ill. Adm. Code 728, provided that such changes are made solely for the purpose of complying with 35 Ill. Adm. Code 728.

7) Addition of newly regulated units under subsection (a)(6), above.

8) Changes necessary to comply with the federal Clean Air Act (CAA) Maximum Achievable Control Technology (MACT) emissions standards of 40 CFR 63, Subpart EEE--National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors.

BOARD NOTE Board-Note: Derived from 40 CFR 270.72 (1997) 1999, as amended at 63 57 Fed. Reg. 33829 (June 19, 1998). 972817-August-187-1992-+ The federal CAA MACT standards are directly implemented in Illinois pursuant to Section 39.5 of the Environmental Protection Act [415 ILCS 5/39.5].

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART G: CHANGES TO PERMITS

Section 703.280 Permit Modification at the Request of the Permittee

- a) Class 1 modifications. See Section 703.281.
- b) Class 2 modifications. See Section 703.282.
- c) Class 3 modifications. See Section 703.283.
- d) Other modifications.

1) In the case of modifications not explicitly listed in Appendix A, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee shall provide the Agency with the necessary information to support the requested classification.

2) The Agency shall make the determination described in subsection (d)(1), above, as promptly as practicable. In determining the appropriate class for a specific modification, the Agency shall consider the similarity of the modification to other modifications codified in Appendix A and the following criteria:

- A) Class 1 modifications apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of

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Class 1 modifications, the Agency may require prior approval.

B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to any of the following:

- i) Common variations in the types and quantities of the wastes managed under the facility permit;
- ii) Technological advances; and
- iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

C) Class 3 modifications substantially alter the facility or its operation.

e) Temporary authorizations.

- 1) Upon request of the permittee, the Agency shall, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations have a term of not more than 180 days.
- 2) Procedures.
 - A) The permittee may request a temporary authorization for:
 - i) Any Class 2 modification meeting the criteria in subsection (e)(3)(B) of this Section; and
 - ii) Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i) or that meets the criteria in subsection (e)(3)(B)(ii) through (v) and provides improved management or treatment of a hazardous waste already listed in the facility permit.
 - B) The temporary authorization request must include:
 - i) A description of the activities to be conducted under the temporary authorization;
 - ii) An explanation of why the temporary authorization is necessary; and
 - iii) Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.
 - C) The permittee shall send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.

3) The Agency shall approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency shall find:

- A) The authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.
- B) The temporary authorization is necessary to achieve one of

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the following objectives before action is likely to be taken on a modification request:

- i) To facilitate timely implementation of closure or corrective action activities;
- ii) To allow treatment or storage in tanks, containers or in containment buildings in accordance with 35 Ill. Adm. Code 728;
- iii) To prevent disruption of ongoing waste management activities;
- iv) To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
- v) To facilitate other changes to protect human health and the environment.

4) A temporary authorization shall be reissued for one additional term of up to 180 days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:

- A) The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in accordance with Section 703.282(f)(1)(D) or (f)(2)(D) or
- B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.

f) Public notice and appeals of permit modification decisions.

- 1) The Agency shall notify persons on the facility mailing list and appropriate units of State and local government within 10 days after of any decision to grant or deny a Class 2 or 3 permit modification request. The Agency shall also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect under Section 703.282(f)(3) or (f)(5).
- 2) The Agency's decision to grant or deny a Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.
- 3) An automatic authorization that goes into effect under Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal, notwithstanding the provisions of 35 Ill. Adm. Code 705.204.
- g) Newly regulated wastes and units.
 - 1) The permittee is authorized to continue to manage wastes listed or identified as hazardous under 35 Ill. Adm. Code 721, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if:

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- A) The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;
- B) The permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;
- C) The permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;
- D) The permittee also submits a complete class 2 or 3 modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards under 35 Ill. Adm. Code 724, 725 or 726; and
- E) In the case of land disposal units, the permittee certifies that such unit is in compliance with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, the owner or operator loses authority to operate under this Section.
- 2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.
- h) Military hazardous waste munitions treatment and disposal. The permittee is authorized to continue to accept waste military munitions notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if:
- 1) The facility was in existence as a hazardous waste facility and the facility was already permitted to handle the waste military munitions on the date when the waste military munitions became subject to hazardous waste regulatory requirements;
 - 2) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and
 - 3) The permittee submits a complete Class 2 modification request within 180 days after of the date when the waste military munitions became subject to hazardous waste regulatory requirements.
- i) Permit modification list. The Agency shall maintain a list of all approved permit modifications and shall publish a notice once a year in a State-wide newspaper that an updated list is available for

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review.

- i) Combustion facility changes to meet federal 40 CFR 63 MACT standards. The following procedures apply to hazardous waste combustion facility permit modifications requested under Section 703. Appendix A, paragraph L(9).
- 1) Facility owners or operators must comply with the federal notification of intent to comply (NIC) requirements of 40 CFR 63.1211 before a permit modification can be requested under this Section.
 - 2) If the Agency does not act to either approve or deny the request within 90 days after receiving it, the request shall be deemed approved. The Agency may, at its discretion, extend this 90-day deadline one time for up to 30 days by notifying the facility owner or operator in writing before the 90 days has expired.
- BOARD NOTE: Derived from 40 CFR 270.42(d) through (j) (1997), as amended at 63 Fed. Reg. 33829 (June 19, 1998) (4741998)77-as-amended-at 56-Fed-Reg-72667-February-21,--1991,--and-at-56-Fed-Reg-326887--July 17,--1991.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 703.APPENDIX A Classification of Permit Modifications

Class Modifications

A. General Permit Provisions

- 1 1. Administrative and informational changes.

- 1 2. Correction of typographical errors.

- 1 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).

4. Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee:

- 1 a. To provide for more frequent monitoring, reporting or maintenance.

- 2 b. Other changes.

5. Schedule of compliance:

- 1* a. Changes in interim compliance dates, with prior approval of the Agency.

- 3 b. Extension of final compliance date.

- 1* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.

- 1* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

B. General Facility Standards

1. Changes to waste sampling or analysis methods:

- 1 a. To conform with Agency guidance or Board regulations.

- 1* b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.

- 1* c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.

- 2 d. Other changes.

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2. Changes to analytical quality assurance/control plan:

- 1 a. To conform with agency guidance or regulations.

- 2 b. Other changes.

- 1 3. Changes in procedures for maintaining the operating record.

- 2 4. Changes in frequency or content of inspection schedules.

5. Changes in the training plan:

- 2 a. That affect the type or decrease the amount of training given to employees.

- 1 b. Other changes.

6. Contingency plan:

- 2 a. Changes in emergency procedures (i.e., spill or release response procedures).

- 1 b. Replacement with functionally equivalent equipment, upgrade or relocate emergency equipment listed.

- 2 c. Removal of equipment from emergency equipment list.

- 1 d. Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.

7. CQA plan:

- a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.

- b. Other changes.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as a permit modification.

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C. Groundwater Protection

1. Changes to wells:
 - a. Changes in the number, location, depth or design of upgradient or downgradient wells of permitted groundwater monitoring system.
 - b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design or depth of the well.
- 1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
- 1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
- 2* 4. Changes in point of compliance.
5. Changes in indicator parameters, hazardous constituents or concentration limits (including ACLs (Alternate Concentration Limits)):
- 3 a. As specified in the groundwater protection standard.
- 2 b. As specified in the detection monitoring program.
- 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
7. Compliance monitoring program:
- 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
- 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.198(k), unless otherwise specified in this Appendix.
8. Corrective action program:
- 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
- 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.

D. Closure

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1. Changes to the closure plan:

- 1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
- 1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
- 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
- 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
- 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
- 2 f. Extension of the closure period to allow a landfill, surface impoundment or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
- 3 2. Creation of a new landfill unit as part of closure.
- 3 3. Addition of the following new units to be used temporarily for closure activities:
 - a. Surface impoundments.
 - b. Incinerators.
 - c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
 - d. Waste piles that comply with 35 Ill. Adm. code 724.350(c).
 - e. Tanks or containers (other than specified below).
 - f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.
- E. Post-Closure
 - 1 1. Changes in name, address or phone number of contact in post-closure plan.

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2. Extension of post-closure care period.
3. Reduction in the post-closure care period.
- 1 4. Changes to the expected year of final closure, where other permit conditions are not changed.
- 2 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.

F. Containers

1. Modification or addition of container units:
 - 3 a. Resulting in greater than 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 2 b. Resulting in up to 25% increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 1 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
2. Modification of container units without an increased capacity or alteration of the system:
 - 2 a. Modification of a container unit without increasing the capacity of the unit.
 - 1 b. Addition of a roof to a container unit without alteration of the containment system.
3. Storage of different wastes in containers, except as provided in F(4):
 - 3 a. That require additional or different management practices from those authorized in the permit.
 - 2 b. That do not require additional or different management practices from those authorized in the permit.

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NOTE: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

4. Storage or treatment of different wastes in containers:
 - 2 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
 - 1* b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
- G. Tanks
 1.
 - 3 a. Modification or addition of tank units resulting in greater than 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).
 - 2 b. Modification or addition of tank units resulting in up to 25% increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).
 - 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
 - 1* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation or component separation.
 - 1* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards

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or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 2 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.

- 1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within $\pm 10\%$ of the replaced tank provided:

- a. The capacity difference is no more than 1500 gallons,
- b. The facility's permitted tank capacity is not increased, and
- c. The replacement tank meets the same conditions in the permit.

- 2 4. Modification of a tank management practice.

5. Management of different wastes in tanks:

- 3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).

- 2 b. That do not require additional or different management practices, tank design, different fire protection specification or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1* c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

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- 1 d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

H. Surface Impoundments

- 3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.

- 3 2. Replacement of a surface impoundment unit.

- 2 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system or leachate collection system.

- 2 4. Modification of a surface impoundment management practice.

5. Treatment, storage or disposal of different wastes in surface impoundments:

- 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

- 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023,

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F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323 and 724.326(d).

7. Changes in response action plan:

- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- I. Enclosed Waste Piles. For all waste piles, except those complying with 35 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:
 - 3 a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.
 - 2 b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.
 - 2 2. Modification of waste pile unit without increasing the capacity of the unit.
 - 1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.
 - 2 4. Modification of a waste pile management practice.

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5. Storage or treatment of different wastes in waste piles:

- 3 a. That require additional or different management practices or different design of the unit.
- 2 b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
Conversion of an enclosed waste pile to a containment building unit.

- 2 6. Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.
- 3 2. Replacement of a landfill.
- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, run-off control or final cover system.
- 2 5. Modification of a landfill management practice.
6. Landfill different wastes:

- 3 a. That require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.
- 2 b. That do not require additional or different management practices, different design of the liner, leachate collection system or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR

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268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* 7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c) and 724.404.

8. Changes in response action plan:

- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of run-on control system.
- 3 3. Modify run-off control system.
- 2 4. Other modification of land treatment unit component specifications or standards required in permit.

5. Management of different wastes in land treatment units:

- 3 a. That require a change in permit operating conditions or unit design specifications.

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- 2 b. That do not require a change in permit operating conditions or unit design specifications.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

6. Modification of a land treatment unit management practice to:

- 3 a. Increase rate or change method of waste application.

- 1 b. Decrease rate of waste application.

- 2 7. Modification of a land treatment unit management practice to change measure of pH or moisture content or to enhance microbial or chemical reactions.

- 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.

- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).

- 3 10. Changes in the unsaturated zone monitoring system resulting in a change to the location, depth, number of sampling points or replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.

- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, number of sampling points, to that replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.

- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.

- 2 13. Changes in sampling, analysis or statistical procedure.

- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.

- 1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.

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- 1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
- 2 18. Changes in vegetative cover requirements for closure.
 - L. Incinerators, Boilers and Industrial Furnaces
- 3 1. Changes to increase by more than 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 2 2. Changes to increase by up to 25% any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
- 3 3. Modification of an incinerator, boiler or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl₂, metals or particulates from the combustion gases or by changing other features of the incinerator, boiler or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
- 2 4. Modification of an incinerator, boiler or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

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5. Operating requirements:
 - 3 a. Modification of the limits specified in the permit for minimum combustion gas temperature, minimum or maximum combustion gas residence time or oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system or operating parameters for the air pollution control system. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
 - 3 b. Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.
 - 2 c. Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.
 6. Burning different wastes:
 - 3 a. If the waste contains a POHC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.
 - 2 b. If the waste does not contain a POHC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.
- Note BOARD-NOTE: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
7. Shakedown and trial burn:
 - 2 a. Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.
 - 1* b. Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.

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1* c. Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.

1* d. Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

1 8. Substitution of an alternate type of nonhazardous waste fuel that is not specified in the permit.

1* 9. Technology changes needed to meet standards under federal 40 CFR 63 (Subpart EEE--National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of 35 Ill. Adm. Code 703.280(j) are followed.

M. Containment Buildings.

1. Modification or addition of containment building units:

3 a. Resulting in greater than 25% increase in the facility's containment building storage or treatment capacity.

2 b. Resulting in up to 25% increase in the facility's containment building storage or treatment capacity.

2 2. Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.

3. Replacement of a containment building with a containment building that meets the same design standards provided:

1 a. The unit capacity is not increased.

1 b. The replacement containment building meets the same conditions in the permit.

2 4. Modification of a containment building management practice.

5. Storage or treatment of different wastes in containment buildings:

3 a. That require additional or different management practices.

2 b. That do not require additional or different management practices

N. Corrective Action.

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3 1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.

2 2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.

Note: * indicates modification requiring prior Agency approval.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I (1997+992), as amended at 63 59 Fed. Reg. 33829 (June 19, 1998) 86857--February-167-1993.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

- 2) Code Citation: 35 Ill. Adm. Code 724

Section Numbers:	Proposed Action:
724.115	Amended
724.173	Amended
724.930	Amended
724.931	Amended
724.933	Amended
724.950	Amended
724.960	Amended
724.962	Amended
724.964	Amended
724.980	Amended
724.982	Amended
724.983	Amended
724.984	Amended
724.985	Amended
724.986	Amended
724.987	Amended
724.989	Amended

- 4) Statutory Authority: 415 ILCS 5/22.4 and 27

- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 17, 1998, proposing amendments in consolidated dockets R98-21/R99-2/R99-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

R98-21 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.

R99-2 Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.

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R99-7

Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

62 Fed. Reg. 37699
(July 14, 1997)

USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.

62 Fed. Reg. 45568
(August 28, 1997)

USEPA issued a second emergency extension of the alternative treatment standards for carbamate wastes for one year, until August 26, 1998.

62 Fed. Reg. 64503
(December 5, 1997)

USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656
(December 8, 1997)

USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503
(April 15, 1998)

USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

63 Fed. Reg. 24595
(May 4, 1998)

USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963
(May 6, 1998)

USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

63 Fed. Reg. 28555
(May 26, 1998)

USEPA adopted "Phase IV" land disposal restrictions.

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63 Fed. Reg. 33781 (June 19, 1998) USEPA partially adopted the hazardous waste combustion rules.

63 Fed. Reg. 35147 (June 29, 1998) USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has already taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997, in the prior consolidated R96-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the August 28, 1997, federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

63 Fed. Reg. 42580 (August 10, 1998) USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331 (August 31, 1998) Technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 48124 (September 9, 1998) USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394 (September 15, 1997) USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

63 Fed. Reg. 38756 (July 20, 1998) USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

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63 Fed. Reg. 44146 (August 18, 1998) USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

62 Fed. Reg. 48394 (September 15, 1997)

Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A. 62 Fed. Reg. 64503 (December 5, 1997) Clarification of when a treatment variance is available.

62 Fed. Reg. 64656 (December 8, 1997)

Clarifying and corrective amendments to the Subpart CC rules.

63 Fed. Reg. 18503 (April 15, 1998)

Pulp and paper industry sector standards.

63 Fed. Reg. 24595 (May 4, 1998)

Organobromine chemicals waste rules.

63 Fed. Reg. 24963 (May 6, 1998)

Used oil mixtures rules for PCB-contaminated oils.

63 Fed. Reg. 28555 (May 26, 1998)

"Phase IV" land disposal restrictions.

63 Fed. Reg. 33781 (June 19, 1998)

Hazardous waste combustion rules.

63 Fed. Reg. 35147 (June 29, 1998)

Technical amendments to the organobromine waste rules.

63 Fed. Reg. 38756 (July 20, 1998) Correction to 40 C.F.R. 136.3(e), table.

63 Fed. Reg. 42580 (August 10, 1998) Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.

63 Fed. Reg. 44146 (August 18, 1998) Correction to 40 C.F.R. 136.3(e), table.

63 Fed. Reg. 46331 (August 31, 1998)

Technical amendments to the organobromine waste rules.

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63 Fed. Reg. 48124 Extension of the Phase IV LDR compliance (September 9, 1998) deadline.

Specifically, the amendments to Part 724 include major segments of the federal December 8, 1997, Subpart CC amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 724 includes a number of documents incorporated by reference, none of those incorporations are amended by the present amendments.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R98-21/R99-2/R99-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman at 312-814-3620.

12) Initial regulatory flexibility analysis:

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A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

13) Regulatory Agenda on which this rulemaking was summarized: January and July 1998

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
724.101
724.103

Purpose, Scope and Applicability
Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Section
724.110
724.111
724.112
724.113
724.114
724.115
724.116
724.117
724.118
724.119

Applicability
Identification Number
Required Notices
General Waste Analysis
Security
General Inspection Requirements
Personnel Training
General Requirements for Ignitable, Reactive or Incompatible Wastes
Location Standards
Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
724.130
724.131
724.132
724.133
724.134
724.135
724.137

Applicability
Design and Operation of Facility
Required Equipment
Testing and Maintenance of Equipment
Access to Communications or Alarm System
Required Aisle Space
Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
724.150
724.151
724.152
724.153
724.154

Applicability
Purpose and Implementation of Contingency Plan
Content of Contingency Plan
Copies of Contingency Plan
Amendment of Contingency Plan

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724.155 Emergency Coordinator
724.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section
724.170
724.171
724.172
724.173
724.174
724.175
724.176
724.177

Applicability
Use of Manifest System
Manifest Discrepancies
Operating Record
Availability, Retention and Disposition of Records
Annual Report
Unmanifested Waste Report
Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section
724.190
724.191
724.192
724.193
724.194
724.195
724.196
724.197
724.198
724.199
724.200
724.201

Applicability
Required Programs
Groundwater Protection Standard
Hazardous Constituents
Concentration Limits
Point of Compliance
Compliance Period
General Groundwater Monitoring Requirements
Detection Monitoring Program
Compliance Monitoring Program
Corrective Action Program
Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE

Section
724.210
724.211
724.212
724.213
724.214
724.215
724.216
724.217
724.218
724.219
724.220

Applicability
Closure Performance Standard
Closure Plan; Amendment of Plan
Closure; Time Allowed For Closure
Disposal or Decontamination of Equipment, Structures and Soils
Certification of Closure
Survey Plat
Post-closure Care and Use of Property
Post-closure Plan; Amendment of Plan
Post-closure Notices
Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

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NOTICE OF PROPOSED AMENDMENTS

Section	Applicability
724.240	Definitions of Terms As Used In This Subpart
724.241	Cost Estimate for Closure
724.242	Financial Assurance for Closure
724.243	Cost Estimate for Post-closure Care
724.244	Financial Assurance for Post-closure Care
724.245	Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care
724.246	Liability Requirements
724.247	Incapacity of Owners or Operators, Guarantors or Financial Institutions
724.248	Wording of the Instruments
724.251	

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section	Applicability
724.270	Condition of Containers
724.271	Compatibility of Waste With Container
724.272	Management of Containers
724.273	Inspections
724.274	Containment
724.275	Special Requirements for Ignitable or Reactive Waste
724.276	Special Requirements for Incompatible Wastes
724.277	Closure
724.278	Air Emission Standards
724.279	

SUBPART J: TANK SYSTEMS

Section	Applicability
724.290	Assessment of Existing Tank System's Integrity
724.291	Design and Installation of New Tank Systems or Components
724.292	Containment and Detection of Releases
724.293	General Operating Requirements
724.294	Inspections
724.295	Response to Leaks or Spills and Disposition of Leaking or unit-for-use Tank Systems
724.296	Closure and Post-Closure Care
724.297	Special Requirements for Ignitable or Reactive Waste
724.298	Special Requirements for Incompatible Wastes
724.299	Air Emission Standards
724.300	

SUBPART K: SURFACE IMPOUNDMENTS

Section	Applicability
724.320	

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724.321	Design and Operating Requirements
724.322	Action Leakage Rate
724.323	Response Actions
724.324	Monitoring and Inspection
724.325	Emergency Repairs; Contingency Plans
724.326	Closure and Post-closure Care
724.327	Special Requirements for Ignitable or Reactive Waste
724.328	Special Requirements for Incompatible Wastes
724.329	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
724.330	Air Emission Standards
724.331	
724.332	

SUBPART L: WASTE PILES

Section	Applicability
724.350	Design and Operating Requirements
724.351	Action Leakage Rate
724.352	Response Action Plan
724.353	Monitoring and Inspection
724.354	Special Requirements for Ignitable or Reactive Waste
724.355	Special Requirements for Incompatible Wastes
724.356	Closure and Post-closure Care
724.357	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
724.358	
724.359	

SUBPART M: LAND TREATMENT

Section	Applicability
724.370	Treatment Program
724.371	Treatment Demonstration
724.372	Design and Operating Requirements
724.373	Food-chain Crops
724.374	Unsaturated Zone Monitoring
724.375	Recordkeeping
724.376	Closure and Post-closure Care
724.377	Special Requirements for Ignitable or Reactive Waste
724.378	Special Requirements for Incompatible Wastes
724.379	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027
724.380	
724.381	
724.382	
724.383	

SUBPART N: LANDFILLS

Section	Applicability
724.400	Design and Operating Requirements
724.401	Action Leakage Rate
724.402	

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724.403	Monitoring and Inspection
724.404	Response Actions
724.409	Surveying and Recordkeeping
724.410	Closure and Post-closure Care
724.412	Special Requirements for Ignitable or Reactive Waste
724.413	Special Requirements for Incompatible Wastes
724.414	Special Requirements for Bulk and Containerized Liquids
724.415	Special Requirements for Containers
724.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
724.417	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

SUBPART O: INCINERATORS

Section

724.440	Applicability
724.441	Waste Analysis
724.442	Principal Organic Hazardous Constituents (POHCs)
724.443	Performance Standards
724.444	Hazardous Waste Incinerator Permits
724.445	Operating Requirements
724.447	Monitoring and Inspections
724.451	Closure

SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

Section

724.652	Corrective Action Management Units
724.653	Temporary Units

SUBPART W: DRIP PADS

Section

724.670	Applicability
724.671	Assessment of existing drip pad integrity
724.672	Design and installation of new drip pads
724.673	Design and operating requirements
724.674	Inspections
724.675	Closure

SUBPART X: MISCELLANEOUS UNITS

Section

724.700	Applicability
724.701	Environmental Performance Standards
724.702	Monitoring, Analysis, Inspection, Response, Reporting and Corrective Action

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NOTICE OF PROPOSED AMENDMENTS

724.703 Post-closure Care

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section

724.930	Applicability
724.931	Definitions
724.932	Standards: Process Vents
724.933	Standards: Closed-vent Systems and Control Devices
724.934	Test methods and procedures
724.935	Recordkeeping requirements
724.936	Reporting Requirements

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section

724.950	Applicability
724.951	Definitions
724.952	Standards: Pumps in Light Liquid Service
724.953	Standards: Compressors
724.954	Standards: Pressure Relief Devices in Gas/Vapor Service
724.955	Standards: Sampling Connecting Systems
724.956	Standards: Open-ended Valves or Lines
724.957	Standards: Valves in Gas/Vapor or Light Liquid Service
724.958	Standards: Pumps, Valves, Pressure Relief Devices and Other Connectors
724.959	Standards: Delay of Repair
724.960	Standards: Closed-vent Systems and Control Devices
724.961	Alternative Percentage Standard for Valves
724.962	Skip Period Alternative for Valves
724.963	Test Methods and Procedures
724.964	Recordkeeping Requirements
724.965	Reporting Requirements

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section

724.980	Applicability
724.981	Definitions
724.982	Standards: General
724.983	Waste Determination Procedures
724.984	Standards: Tanks
724.985	Standards: Surface Impoundments
724.986	Standards: Containers
724.987	Standards: Closed-vent Systems and Control Devices
724.988	Inspection and Monitoring Requirements
724.989	Recordkeeping Requirements
724.990	Reporting Requirements

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724.991 Alternative Control Requirements for Tanks

SUBPART DD: CONTAINMENT BUILDINGS

Section

724.1100 Applicability

724.1101 Design and operating standards

724.1102 Closure and Post-closure Care

APPENDIX A Recordkeeping Instructions

APPENDIX B EPA Report Form and Instructions (Repealed)

APPENDIX D Cochran's Approximation to the Behrens-Fisher Student's T-Test

APPENDIX E Examples of Potentially Incompatible Waste

APPENDIX I Groundwater Monitoring List

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in 98-21/R99-2/R99-7 at 22 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

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SUBPART B: GENERAL FACILITY STANDARDS

Section 724.115 General Inspection Requirements

- a) The owner or operator shall conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors, and discharges that may be causing or may lead to:
- 1) Release of hazardous waste constituents to the environment; or
 - 2) A threat to human health.
- b) Inspection schedule.
- 1) The owner or operator shall develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.
 - 2) The owner or operator shall keep this schedule at the facility.
 - 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) that are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).
 - 4) The frequency of inspection may vary for the items on the schedule. However, the frequency it should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 724.274, 724.293, 724.295, 724.326, 724.354, 724.378, 724.403, 724.447, 724.702, 724.933, 724.952, 724.953, 724.958, 724-988, and 724.983 through 724.990 724-991f7, where applicable.
- BOARD NOTE:** 35 Ill. Adm. Code 703 requires the inspection schedule to be submitted with Part B of the permit application. The Agency must evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the Agency may modify or amend the schedule as may be necessary.
- c) The owner or operator shall remedy any deterioration or malfunction of equipment or structures that the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.
- d) The owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least

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- 9) A certification by the permittee, no less often than annually: that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates, to the degree the permittee determines to be economically practicable, and that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee that minimizes the present and future threat to human health and the environment;
- 10) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);
- 11) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 12) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
- 13) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, whichever is applicable; and
- 14) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, required under 35 Ill. Adm. Code 728.108, whichever is applicable;
- 15) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and
- 16) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

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three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date, and nature of any repairs or other remedial actions.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.173 Operating Record

- a) The owner or operator shall keep a written operating record at the facility.
- b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility:
 - 1) A description and the quantity of each hazardous waste received and the method or methods and date or dates of its treatment, storage, or disposal at the facility, as required by Section 724.Appendix A;
 - 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

BOARD NOTE: See Section 724.219 for related requirements.

- 3) Records and results of waste analyses and waste determinations performed as specified in Sections 724.113, 724.117, 724.414, 724.441, 724.934, 724.963, and 724.983 and in 35 Ill. Adm. Code 728.104(a) and 728.107;
- 4) Summary reports and details of all incidents that require implementing the contingency plan, as specified in Section 724.156(j);
- 5) Records and results of inspections, as required by Section 724.115(d) (except these data need to be kept only three years);
- 6) Monitoring, testing, or analytical data and corrective action data where required by 724-Subpart F of this Part or Sections 724.119, 724.291, 724.293, 724.295, 724.322, 724.323, 724.326, 724.352 through 724.354, 724.376, 724.378, 724.380, 724.402 through 724.404, 724.409, 724.447, 724.702, 724.934(c) through (f), 724.935, 724.963(d) through (i), 724.964, 724.987-724.989, and 724.982 through 724.990 724-991;
- 7) For off-site facilities, notices to generators as specified in Section 724.112(b);
- 8) All closure cost estimates under Section 724.242 and, for disposal facilities, all post-closure cost estimates under Section 724.244;

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Section 724.930 Applicability

- a) This Subpart applies to owners and operators of facilities that treat, store or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except for Sections 724.934(d) and (e), this Subpart applies to process vents associated with distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations that manage hazardous wastes with organic concentrations of at least 10 ppmw (parts per million by weight), if these operations are conducted in:

- 1) Units that are subject to the permitting requirements of 35 Ill. Adm. Code 703;
- 2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a 90-day tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 703; or
- 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a 90-day tank or container) and which is not a recycling unit under the provisions of 35 Ill. Adm. Code 721.106.

- c) For the owner and operator of a facility subject to this Subpart that received a final permit under 35 Ill. Adm. Code 702, 703, and 705 prior to December 6, 1996, the requirements of this Subpart shall be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such date when the owner and operator receives a final permit incorporating the requirements of this Subpart, the owner and operator is subject to the requirements of 35 Ill. Adm. Code 265 Subpart AA if the owner or operator of process vents subject to the requirements of Sections 724.932 through 724.936 has received a RCRA permit prior to December 21, 1990, the requirements of Section 724.932 through 724.936 must be incorporated when the permit is reissued under 35 Ill. Adm. Code 705-201 or reviewed under 35 Ill. Adm. Code 702-161.

BOARD NOTE: The requirements of Sections 724.932 through 724.936 apply to process vents on hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104, 722.134 and 724.101(g) are not affected by these requirements.

- d) This subsection (d) corresponds with 40 CFR 264.1030(d), which is marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules.

- e) The requirements of this Subpart do not apply to the process vents at a facility where the facility owner or operator certifies that all of the process vents which would otherwise be subject to this Subpart are

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equipped with and operating air emission controls in accordance with the process vent requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. The documentation of compliance under regulations at 40 CFR 60, 61, or 63 must be kept with, or made readily available with, the facility operating record.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 724.931 Definitions

As used in this Subpart, all terms not defined in the Subpart have the meaning given them in the Resource Conservation and Recovery Act and 35 Ill. Adm. Code 720 through 726.

"Air stripping operation" is a desorption operation employed to transfer one or more volatile components from a liquid mixture into a gas (air) either with or without the application of heat to the liquid. Packed towers, spray towers and bubble-cap, sieve, or valve-type plate towers are among the process configurations used for contacting the air and a liquid.

"Bottoms receiver" means a container or tank used to receive and collect the heavier bottoms fractions of the distillation feed stream that remain in the liquid phase.

"Btu Btu" means British thermal unit.

"Closed-vent system" means a system that is not open to the atmosphere and that is composed of piping, connections, and, if necessary, flow-inducing devices that transport gas or vapor from a piece or pieces of equipment to a control device.

"Condenser" means a heat-transfer device that reduces a thermodynamic fluid from its vapor phase to its liquid phase.

"Connector" means flanged, screwed, welded or other joined fittings used to connect two pipelines or a pipeline and a piece of equipment. For the purposes of reporting and recordkeeping, "connector" means flanged fittings that are not covered by insulation or other materials that prevent location of the fittings.

"Continuous recorder" means a data-recording device recording an instantaneous data value at least once every 15 minutes.

"Control device" means an enclosed combustion device, vapor recovery system, or flare. Any device the primary function of which is the recovery or capture of solvents or other organics for use, reuse, or

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sale (e.g., a primary condenser on a solvent recovery unit) is not a control device.

"Control device shutdown" means the cessation of operation of a control device for any purpose.

"Distillate receiver" means a container or tank used to receive and collect liquid material (condensed) from the overhead condenser of a distillation unit and from which the condensed liquid is pumped to larger storage tanks or other process units.

"Distillation operation" means an operation, either batch or continuous, separating one or more feed stream(s) into two or more exit streams, each exit stream having component concentrations different from those in the feed stream(s). The separation is achieved by the redistribution of the components between the liquid and vapor phase as they approach equilibrium within the distillation unit.

"Double block and bleed system" means two block valves connected in series with a bleed valve or line that can vent the line between the two block valves.

"Equipment" means each valve, pump, compressor, pressure relief device, sampling connection system, open-ended valve or line, or flange, and any control devices or systems required by this Subpart.

"First attempt at repair" means to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.

"Flame zone" means the portion of the combustion chamber in a boiler occupied by the flame envelope.

"Flow indicator" means a device that indicates whether gas flow is present in a vent stream.

~~First attempt at repair means to take rapid action for the purpose of stopping or reducing leakage of organic material to the atmosphere using best practices.~~

"Fractionation operation" means a distillation operation or method used to separate a mixture of several volatile components of different boiling points in successive stages, each stage removing from the mixture some proportion of one of the components.

"ft" means foot.

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"h" means hour.

"Hazardous waste management unit shutdown" means a work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit. An unscheduled work practice or operational procedure that stops operation of a hazardous waste management unit or part of a hazardous waste management unit for less than 24 hours is not a hazardous waste management unit shutdown. The use of spare equipment and technically feasible bypassing of equipment without stopping operation are not hazardous waste management unit shutdowns.

"Hot well" means a container for collecting condensate as in a steam condenser serving a vacuum-jet or steam-jet ejector.

"In gas-vapor service" means that the piece of equipment contains or contacts a hazardous waste stream that is in the gaseous state at operating conditions.

"In heavy liquid service" means that the piece of equipment is not in gas/vapor service or in light liquid service.

"In light liquid service" means that the piece of equipment contains or contacts a waste stream where the vapor pressure of one or more of the organic components in the stream is greater than 0.3 kilopascals (kPa) at 20°C, the total concentration of the pure organic components having a vapor pressure greater than 0.3 kPa at 20°C is equal to or greater than 20 percent by weight, and the fluid is a liquid at operating conditions.

"In situ sampling systems" means nonextractive samplers on in-line samplers.

"In vacuum service" means that equipment is operating at an internal pressure that is at least 5 kPa below ambient pressure.

"Kg" means kilogram.

"kPa" means kilopascals.

"lb" means pound.

"m" means meter.

"Mg" means Megagrams, or metric tonnes.

"MJ" means Megajoules, or ten to the sixth Joules.

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"MW" means Megawatts.

"Malfunction" means any sudden failure of a control device or a hazardous waste management unit or failure of a hazardous waste management unit to operate in a normal or usual manner, so that organic emissions are increased.

"Open-ended valve or line" means any valve, except pressure relief valves, having one side of the valve seat in contact with process fluid and one side open to the atmosphere, either directly or through open piping.

"ppmv" means parts per million by volume.

"ppmw" means parts per million by weight.

"Pressure release" means the emission of materials resulting from the system pressure being greater than the set pressure of the pressure relief device.

"Process heater" means a device that transfer heat liberated by burning fuel to fluids contained in tubes, including all fluids except water that are heated to produce steam.

"Process vent" means any open-ended pipe or stack that is vented to the atmosphere either directly, through a vacuum-producing system, or through a tank (e.g., distillate receiver, condenser, bottoms receiver, surge control tank, separator tank, or hot well) associated with hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations.

"Repaired" means that equipment is adjusted, or otherwise altered, to eliminate a leak.

"s" means second.

"scm" means standard cubic meter.

"scft" means standard cubic foot.

"Sensor" means a device that measures a physical quantity or the change in a physical quantity, such as temperature, pressure, flow rate, pH, or liquid level.

"Separator tank" means a device used for separation of two immiscible liquids.

"Solvent extraction operation" means an operation or method of

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separation in which a solid or solution is contracted with a liquid solvent (the two being mutually insoluble) to preferentially dissolve and transfer one or more components into the solvent.

"Startup" means the setting in operation of a hazardous waste management unit or control device for any purpose.

"Steam stripping operation" means a distillation operation in which vaporization of the volatile constituents of a liquid mixture takes place by the introduction of steam directly in to the charge.

"Surge control tank" means a large-sized pipe or storage reservoir sufficient to contain the surging liquid discharge of the process tank to which it is connected.

"Thin-film evaporation operation" means a distillation operation that employs a heating surface consisting of a large diameter tube that may be either straight or tapered, horizontal or vertical. Liquid is spread on the tube wall by a rotating assembly of blades that maintain a close clearance from the wall or actually ride on the film of liquid on the wall.

"Vapor incinerator" means any enclosed combustion device that is used for destroying organic compounds and does not extract energy in the form of steam or process heat.

"Vented" means discharged through an opening, typically an open-ended pipe or stack, allowing the passage of a stream of liquids, gases, or fumes into the atmosphere. The passage of liquids, gases, or fumes is caused by mechanical means such as compressors or vacuum-producing systems or by process-related means such as evaporation produced by heating and not caused by tank loading and unloading (working losses) or by natural means such as diurnal temperature changes.

"yr" means year.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 724.933 Standards: Closed-vent Systems and Control Devices

a) Compliance Required.

1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.

2) Implementation Schedule.
A) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply

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with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart for installation and startup.

- B) Any unit ~~that begins~~ that begins ~~begin~~ operation after December 21, 1990, and which is subject to the provisions of this Subpart when operation begins, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 30-month 2-year implementation schedule does not apply to these units.

- C) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart shall comply with all requirements of this Subpart as soon as practicable but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart cannot be installed and begin operation by the effective date of the amendment, the facility owner or operator shall prepare an implementation schedule that includes the following information: Specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart. The owner or operator shall enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility. An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart after December 8, 1997, due to an action other than those described in subsection (a)(2)(C) of this Section, must comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart; the 30-month implementation schedule does not apply).

- D) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 724.932(a)(1) for all affected process vents is attained at an efficiency less than 95

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- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds and not in carbon equivalents, on a dry basis, corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760 degrees Celsius (°C). If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame zone of the boiler or process heater.

d) Flares:

- 1) A flare must be designed for and operated with no visible emissions, as determined by the methods specified in subsection (e)(1), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
- 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(C) of this Section.
- 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater and the flare is steam-assisted or air-assisted or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater and the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) of this Section.
- 4) Exit Velocity.
 - A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) of this Section.
 - B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).
 - C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than the velocity, V, as determined by the method specified in subsection (e)(4) of this Section and less than 122 m/s (400 ft/s) is allowed.
- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V, as determined by the method specified in subsection (e)(5) of this Section.
- 6) A flare used to comply with this Section must be steam-assisted,

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air-assisted, or nonassisted.

- e) Compliance determination and equations.
 - 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.
 - 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H[T] = K \times \sum_{i=1}^n C[i] \times H[i]$$

Where:

$H[T]$ is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20°C.

$K = 1.74 \times 10(7) (1/\text{ppm})(\text{g mol}/\text{scm})(\text{MJ}/\text{kcal})$ where standard temperature for (g mol/scm) 20°C.

$S(Xi)$ means the sum of the values of X for each component i , from $i=1$ to n .

$C[i]$ is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

$H[i]$ is the net heat of combustion of sample component i , kcal/gmol at 25°C and 760 mm Hg. The heats of combustion must be determined using ASTM D2382, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.
- 4) The maximum allowed velocity in m/s, $V[\text{max}]$, for a flare complying with subsection (d)(4)(C) must be determined by the following equation:

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$$\log[10] V[\text{max}] = \frac{H[T] + 28.8}{31.7}$$

Where:

$\log[10]$ means logarithm to the base 10

$H[T]$ is the net heating value as determined in subsection (e)(2).

- 5) The maximum allowed velocity in m/s, $V[\text{max}]$, for an air-assisted flare must be determined by the following equation:

$$V[\text{max}] = 8.706 + 0.7084H[T]$$

Where:

$H[T]$ is the net heating value as determined in subsection (e)(2) of this Section.

- f) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

- 1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined.

- 2) Install, calibrate, maintain and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

- A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of ± 1 percent % of the temperature being monitored in °C or $\pm 0.5^\circ\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

- B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ± 1 percent % of the temperature being monitored in °C or $\pm 0.5^\circ\text{C}$, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed

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outlet.

- C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.
- D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent % of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.
- E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure parameters that indicates good combustion operating practices are being used.
- F) For a condenser, either:
 - i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or
 - ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of ± 1 percent % of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).
- G) For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either:
 - i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed, or
 - ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.
- 3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.
- g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time

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- interval that is no longer than the carbon service life established as a requirement of Section 724.935(b)(4)(C)(vi).
- h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:
 - 1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent % of the time required to consume the total carbon working capacity established as a requirement of Section 724.935(b)(4)(C)(vii), whichever is longer.
 - 2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 724.935(b)(4)(C)(vii).
- i) An alternative operational or process parameter may be monitored if the operator demonstrates that the parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.
- j) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.
- k) A closed-vent system must meet either of the following design requirements:
 - 1) A closed-vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background, as determined by the methods specified at Section 724.934(b), and by visual inspections; or
 - 2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.
- 1) The owner or operator shall monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:
 - 1) Each closed-vent system that is used to comply with subsection

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(k)(1) of this Section shall be inspected and monitored in accordance with the following requirements:

- A) An initial leak detection monitoring of the closed-vent system shall be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator shall monitor the closed-vent system components and connections using the procedures specified in Section 724.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv of this Section background.

- B) After initial leak detection monitoring required in subsection (1)(1)(A) of this Section, the owner or operator shall inspect and monitor the closed-vent system as follows:

- i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall monitor a component or connection using the procedures specified in Section 724.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).

- ii) Closed-vent system components or connections other than those specified in subsection (1)(1)(B)(i) of this Section must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (o) of this Section, using the procedures specified in Section 724.934(b) to demonstrate that the components or connections operate with no detectable emissions.

- C) In the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of subsection (1)(3) of this Section.

- D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

- 2) Each closed-vent system that is used to comply with subsection (k)(2) of this Section must be inspected and monitored in accordance with the following requirements:

- A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or

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piping or loose connections.

- B) The owner or operator shall perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year.

- C) In the event that a defect or leak is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (1)(3) of this Section.

- D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.

- 3) The owner or operator shall repair all detected defects as follows:

- A) Detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (1)(3)(C) of this Section.

- B) A first attempt at repair must be made no later than five calendar days after the emission is detected.

- C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.

- D) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in Section 724.935.

- m) A closed-vent system or control device used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to it.

- n) The owner or operator using a carbon adsorption system to control air pollutant emissions shall document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:
 - 1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following:
 - A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 724-Subpart X of this Part; or
 - B) The unit is equipped with and operating air emission

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controls in accordance with the applicable requirements of 724-Subparts AA and CC of this Part or 35 Ill. Adm. Code 725-Subparts AA and CC; or

- C) The unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollution under 40 CFR 61 or 40 CFR 63.

- 2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following:

- A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 724-Subpart O of this Part; or
- B) The owner or operator has certified compliance in accordance with interim status requirements of 35 Ill. Adm. Code 725-Subpart O.

- 3) It is burned in a boiler or industrial furnace for which the owner or operator had done either of the following:

- A) The owner or operator had been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726-Subpart H; or
- B) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of 35 Ill. Adm. Code 726-Subpart H.

- o) Any components of a closed-vent system that are designated, as described in Section 724.952(c)(9), as unsafe to monitor are exempt from the requirements of subsection (1)(1)(B)(ii) of this Section if both of the following conditions are fulfilled:

- 1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (1)(1)(B)(ii) of this Section; and
- 2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (1)(1)(B)(ii) as frequently as practicable during safe-to-monitor times.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 724.950 Applicability

- a) The regulations in this Subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except as provided in Section 724.964(k), this Subpart applies to

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equipment that contains or contacts hazardous wastes with organic concentrations of at least 10 percent ~~by weight~~ that are managed in one of the following:

- 1) A unit that is subject to the RCRA permitting requirements of 35 Ill. Adm. Code 702, 703, and 705,
- 2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705, or
- 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a "90-day" tank or container) and which is not a recycling unit under the provisions of 35 Ill. Adm. Code 721.106.

- c) For the owner or operator of a facility subject to this Subpart that received a final permit under 35 Ill. Adm. Code 702, 703, and 705 prior to December 6, 1996, the requirements of this Subpart shall be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such a date when the owner or operator receives a final permit incorporating the requirements of this Subpart, the owner or operator is subject to the requirements of 35 Ill. Adm. Code 265-Subpart BB. ~~If the owner or operator of equipment subject to the requirements of Sections 724.952 through 724.965 has received a RCRA permit prior to December 21, 1990, the requirements of Sections 724.952 through 724.965 must be incorporated when the permit is reissued under 35 Ill. Adm. Code 705-201 or reviewed under 35 Ill. Adm. Code 702-161.~~

- d) Each piece of equipment to which this Subpart applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.

- e) Equipment that is in vacuum service is excluded from the requirements of Sections 724.952 to 724.960, if it is identified as required in Section 724.964(g)(5).

- f) Equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent ~~by weight~~ for a period of less than 300 hours per calendar year is excluded from the requirements of Sections 724.952 through 724.960 if it is identified as required in Section 724.964(g)(6).

BOARD NOTE: The requirements of Sections 724.952 through 724.965 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104 and 724.101(g) are not affected by these requirements.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 724.960 Standards: Closed-vent Systems and Control Devices

- a) An owner **Owners** or operator **operators** of a closed-vent system or systems--and control device subject to this Subpart **devices** shall comply with the provisions of Section 724.933.
- b) Implementation Schedule.

1) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart for installation and startup.

2) Any unit that begins operation after December 21, 1990, and which is subject to the provisions of this Subpart when operation begins, must comply with the rules immediately (i.e., the unit must have control devices installed and operating on startup of the affected unit); the 30-month implementation schedule does not apply.

3) The owner or operator of any facility in existence on the effective date of a statutory or regulatory amendment that renders the facility subject to this Subpart shall comply with all requirements of this Subpart as soon as practicable but no later than 30 months after the effective date of the amendment. When control equipment required by this Subpart cannot be installed and begin operation by the effective date of the amendment, the facility owner or operator shall prepare an implementation schedule that includes the following information: Specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart. The owner or operator shall enter the implementation schedule in the operating record or in a permanent, readily available file located at the facility.

4) An owner or operator of a facility or unit that becomes newly subject to the requirements of this Subpart due to an action other than those described in subsection (b)(3) of this Section shall comply with all applicable requirements immediately (i.e., the facility or unit must have control devices installed and operating on the date the facility or unit becomes subject to this Subpart; the 30-month implementation schedule does not apply).

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 724.962 Skip Period Alternative for Valves

a) Election

- 1) An owner or operator subject to the requirements of Section 724.957 may elect for all valves within a hazardous waste management unit to comply with one of the alternative work practices specified in subsections (b)(2) and (3).
- 2) An owner or operator shall notify the Agency before implementing one of the alternative work practices.

b) Reduced Monitoring

- 1) An owner or operator shall comply with the requirements for valves, as described in Section 724.957, except as described in subsections (b)(2) and (3).
- 2) After two consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two 2 percent, an owner or operator may begin to skip one of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every six months) for the valves subject to the requirements in Section 724.957.
- 3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than two 2 percent, an owner or operator may begin to skip three of the quarterly leak detection periods (i.e., the owner or operator may monitor for leaks once every year) for the valves subject to the requirements in Section 724.957.
- 4) If the percentage of valves leaking is greater than 2 percent, the owner or operator shall monitor monthly in compliance with the requirements in Section 724.957, but may again elect to use this Section after meeting the requirements of Section 724.957(c)(1).

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 724.964 Recordkeeping Requirements

a) Lumping Units

- 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
- 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.
- b) Owner and operators shall record the following information in the

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facility operating record:

- 1) For each piece of equipment to which this Subpart applies:
 - A) Equipment identification number and hazardous waste management unit identification.
 - B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
 - C) Type of equipment (e.g., a pump or pipeline valve).
 - D) Percent-by-weight total organics in the hazardous wastestream at the equipment.
 - E) Hazardous waste state at the equipment (e.g., gas-vapor or liquid).
 - F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
- 2) For facilities that comply with the provisions of Section 724.933(a)(2), an implementation schedule as specified in that Section.
- 3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in Section 724.935(b)(3).
- 4) Documentation of compliance with Section 724.960, including the detailed design documentation or performance test results specified in Section 724.935(b)(4).
- c) When each leak is detected as specified in Sections 724.952, 724.953, 724.957 or 724.958, the following requirements apply:
 - 1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 724.958(a), and the date the leak was detected, must be attached to the leaking equipment.
 - 2) The identification on equipment except on a valve, may be removed after it has been repaired.
 - 3) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in Section 724.957(c) and no leak has been detected during those 2 months.
- d) When each leak is detected as specified in Section 724.952, 724.953, 724.957 or 724.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:
 - 1) The instrument and operator identification numbers and the equipment identification number.
 - 2) The date evidence of a potential leak was found in accordance with Section 724.958(a).
 - 3) The date the leak was detected and the dates of each attempt to repair the leak.
 - 4) Repair methods applied in each attempt to repair the leak.

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- 5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 724.963(b) after each repair attempt is equal to or greater than 10,000 ppm.
- 6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
- 7) Documentation supporting the delay of repair of a valve in compliance with Section 724.959(c).
- 8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.
- 9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.
- 10) The date of successful repair of the leak.
- e) Design documentation and monitoring, operating and inspection information for each closed-vent system and control device required to comply with the provisions of Section 724.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 724.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 724.935(c)(3) through (c)(8).
- f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency shall specify the appropriate recordkeeping requirements, indicating proper operation and maintenance of the control device, in the RCRA permit.
- g) The following information pertaining to all equipment subject to the requirements in Sections 724.952 through 724.960 must be recorded in a log that is kept in the facility operating record:
 - 1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart.
 - 2) List of Equipment
 - A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 724.952(e), 724.953(i) and 724.957(f).
 - B) The designation of this equipment as subject to the requirements of Section 724.952(e), 724.953(i) or 724.957(f) must be signed by the owner or operator.
 - 3) A list of equipment identification numbers for pressure relief devices required to comply with Section 724.954(a).
 - 4) Compliance tests.
 - A) The dates of each compliance test required in Sections 724.952(e), 724.953(i), 724.954 and 724.957(f).
 - B) The background level measured during each compliance test.
 - C) The maximum instrument reading measured at the equipment during each compliance test.
 - 5) A list of identification numbers for equipment in vacuum service.
 - 6) Identification, either by list or location (area or group), of

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equipment that contains or contacts hazardous waste with an organic concentration of at least 10 percent ~~by~~ weight for a period of less than 300 hours per year.

- h) The following information pertaining to all valves subject to the requirements of Section 724.957(g) and (h) must be recorded in a log that is kept in the facility operating record:

1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.

2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.

- i) The following information must be recorded in the facility operating record for valves complying with Section 724.962:

1) A schedule of monitoring.

2) The percent of valves found leaking during each monitoring period.

- j) The following information must be recorded in a log that is kept in the facility operating record:

1) Criteria required in Sections 724.952(d)(5)(B) and 724.953(e)(2) and an explanation of the design criteria.

2) Any changes to these criteria and the reasons for the changes.

- k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in Section 724.950 and other specific Subparts:

1) An analysis determining the design capacity of the hazardous waste management unit.

2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Section 724.960 and an analysis determining whether these hazardous wastes are heavy liquids.

3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 724.952 through 724.960. The record must include supporting documentation as required by Section 724.963(d)(3) when application of the knowledge of the nature of the hazardous wastestream or the process by which was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 724.952 through 724.960, then a new determination is required.

- l) Records of the equipment leak information required by subsection (d) of this Section and the operating information required by subsection (e) of this Section need be kept only 3 years.

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- m) The owner or operator of any facility with equipment that is subject to this Subpart and to regulations at 40 CFR 60, Subpart-VV, or 40 CFR 61, or 63 Subpart-V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart by documentation of compliance either pursuant to Section 724.964 or by documentation of compliance with the regulations at 40 CFR 60, 61, or 63, pursuant to the relevant those provisions of 40 CFR 60, or 61, or 63 to the extent that the documentation under the regulation at 40 CFR 60 or 61 duplicates the documentation required under this Subpart. The documentation of compliance under the regulation at 40 CFR 60, or 61, or 63 must be kept with or made readily available with the facility operating record.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 724.980 Applicability

- a) The requirements of this Subpart apply, effective October 6, 1996, to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to Subpart 724.980, I, J, or K of this Part, except as Section 724.101 and subsection (b) of this Section provide otherwise. BGRB-NOTE:---USPBA--adopted--these-regulations-at-59-Ped--Reg--62896 (Dec-67-1994)--effective-June-67-1995--At-60-Ped--Reg--26828--(May 197--1995)--and--60--Ped--Reg--56952--(Nov-137-1995)--and-61-Ped--Reg--28508--(June-57-1996)--USPBA-declined-the-effective-date--until--October 67--1996--if-action-by-USEPA-or-a-decision-of-a-federal-court-changes the-effectiveness-of-these-regulations--the-Board-does-not-intend-that the-724-Subpart-CC-rules-be-enforceable-to-the-extent-that-they-become more-stringent-than-the-federal-regulations-upon-which-they-are-based.
- b) The requirements of this Subpart do not apply to the following waste management units at the facility:

- 1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1996, and in which no hazardous waste is added to the unit on or after December 6, 1996 this date.
- 2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).
- 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or

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- completed closure pursuant to an approved closure plan.
- 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated as the result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA section 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.
 - 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 USC 8551-8552) and the Nuclear Waste Policy Act.
 - 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with enclosure and control device requirements of Section 724.984(i), except as provided in Section 724.982(c)(5).
 - 8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 724.931.

c) For the owner and operator of a facility subject to this Subpart and that received a final RCRA permit prior to December 6, 1996, the requirements of this Subpart shall be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such date when the owner and operator receives a final permit incorporating the requirements of this Subpart, the owner and operator is subject to the requirements of 35 Ill. Adm. Code 725. Subpart CC.

d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 724.989(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:

- 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an

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- organic radical.
- 2) The owner or operator prepares documentation, in accordance with Section 724.989(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 724.984 through 724.987 are installed and operated on the tanks and containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section.
 - 3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this Section. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 724.982 Standards: General

- a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart.
- b) The owner or operator shall control air pollutant emissions from each waste management unit in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit, except as provided for in subsection (c) of this Section.
- c) A tank, surface impoundment, or container is exempt from standards specified in Sections 724.984 through 724.987, as applicable, provided that all hazardous waste placed in the waste management unit is one of the following:
 - 1) A tank, surface impoundment, or container for which all hazardous waste entering the unit has an average VO concentration at the point of waste origination of less than 500 parts per million by weight (ppmw). The average VO concentration shall be determined by the procedures specified in Section 724.983(a). The owner or operator shall review and update, as necessary, this determination at least once every 12 months following the date of the initial determination for the hazardous waste streams entering the unit.
 - 2) A tank, surface impoundment, or container for which the organic content of all the hazardous waste entering the waste management unit has been reduced by an organic destruction or removal process that achieves any one of the following conditions:
 - A) The process removes or destroys the organics contained in

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the hazardous waste to a level such that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C(t)) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process shall be determined using the procedures specified in Section 724.983(b).

B) The process removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent %, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 100 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in Section 724.983(b).

C) The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is equal to or greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process must be determined using the procedures specified in Section 724.983(b).

D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:

i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent %, and the organic biodegradation efficiency (R(biol)) for the process is equal to or greater than 95 percent %. The organic reduction efficiency and the organic biodegradation efficiency for the process shall be determined using the procedures specified in Section 724.983(b).

ii) The total actual organic mass biodegradation rate (MR(biol)) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process shall be determined using the procedures specified in Section 724.983(b).

E) The process removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

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i) From the point of waste origination through the point where the hazardous waste enters the treatment process, the hazardous waste is continuously managed in waste management units that use air emission controls in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.

ii) From the point of waste origination through the point where the hazardous waste enters the treatment process, any transfer of the hazardous waste is accomplished through continuous hard-piping or other closed system transfer that does not allow exposure of the waste to the atmosphere.

BOARD NOTE: The USEPA considers a drain system that meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", to be a closed system.

iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination, determined for each of the individual hazardous waste streams entering the process or 500 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination shall be determined using the procedures specified in Section 724.983(a). The average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in Section 724.983(b).

F) A process that removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent % and the owner or operator certifies that the average VO concentration at the point of waste origination for each of the individual waste streams entering the process is less than 10,000 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste origination shall be determined using the procedure specified in Section 724.983(b) and Section 724.983(a), respectively.

G) A hazardous waste incinerator for which either of the following conditions is true:

i) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726.Subpart H; or

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- ii) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of 35 Ill. Adm. Code 725.Subpart O.
- H) A boiler or industrial furnace for which either of the following conditions is true:
- The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726.Subpart H; or
 - The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.
- I) For the purpose of determining the performance of an organic destruction or removal process in accordance with the conditions in each of subsections (c)(2)(A) through (c)(2)(F) of this Section, the owner or operator shall account for VO concentrations determined to be below the limit of detection of the analytical method by using the following VO concentration:
- If Method 25D in 40 CFR 60, appendix A, incorporated by reference in 35, Ill. Adm. Code 720.111, is used for the analysis, one-half the blank value determined in Section 4.4 of the method or a value of 25 ppmw, whichever is less.
 - If any other analytical method is used, one-half the sum of the limits of detection established for each organic constituent in the waste that has a Henry's law constant value at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as $1.8 \times 10^{(-6)}$ atmospheres/gram-mole/m(3)) at 25°C the method.
- 3) A tank or surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of subsection (c)(2)(D) of this Section.
- 4) A tank, surface impoundment, or container for which all hazardous waste placed in the unit fulfills either of the following conditions:
- It means the numerical concentration limits for organic hazardous constituents, applicable to the hazardous waste, as specified in 35 Ill. Adm. Code 728.Table T; or
 - The organic hazardous constituents in the waste have ~~not been~~ been treated by the treatment technology established by USEPA for the waste, as set forth in 35 Ill. Adm. Code 728.142(a), or have been removed or destroyed ~~treated~~ by an equivalent method of treatment approved by the Agency pursuant to 35 Ill. Adm. Code 728.142(b).

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- 5) A tank used for bulk feed of hazardous waste to a waste incinerator and all of the following conditions are met:
- The tank is located inside an enclosure vented to a control device that is designed and operated in accordance with all applicable requirements specified under 40 CFR 61, subpart FF, "National Emission Standards for Benzene Waste Operations", incorporated by reference in 35 Ill. Adm. Code 720.111, for a facility at which the total annual benzene quantity from the facility waste is equal to or greater than 10 megagrams (11 tons) per year;
 - The enclosure and control device serving the tank were installed and began operation prior to November 25, 1996; and
 - The enclosure is designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical or electrical equipment; or to direct air flow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" annually.
- d) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:
- The waste determination for average VO concentration of a hazardous waste at the point of waste origination shall be performed using direct measurement in accordance with the applicable requirements of Section 724.983(a). The waste determination for a hazardous waste at the point of waste treatment shall be performed in accordance with the applicable requirements of Section 724.983(b).
 - In performing a waste determination pursuant to subsection (d)(1) of this Section, the sample preparation and analysis shall be conducted as follows:
 - In accordance with the method used by the owner or operator to perform the waste analysis, except in the case specified in subsection (d)(2)(B) of this Section.
 - If the Agency determines that the method used by the owner or operator was not appropriate for the hazardous waste managed in the tank, surface impoundment, or container, then the Agency may choose an appropriate method.

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- 3) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis.
- 4) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (d)(1) of this Section shall be used to establish compliance with the requirements of this Subpart.
- 5) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period as follows:
- A) The average VO concentration of the hazardous waste at the point of waste origination shall be determined by direct measurement in accordance with the requirements of Section 724.983(a).
- B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 500 ppmw shall constitute noncompliance with this Subpart, except in a case as provided for in subsection (d)(5)(C) of this Section.
- C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 500 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given one-hour period may be equal to or greater than 500 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Section 724.983(a) and Section 724.989 shall be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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Section 724.983 Waste Determination Procedures

- a) Waste determination procedure for average volatile organic (VO) concentration of a hazardous waste at the point of waste origination.
- 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(1) from using air emission controls in accordance with standards specified in Section 724.984 through Section 724.987, as applicable to the waste management unit.
- 2) For a waste determination that is required by subsection (a)(1) of this Section, the average VO concentration of a hazardous waste at the point of waste origination shall be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(a)(2) through (a)(4).
- b) Waste determination procedures for treated hazardous waste.
- 1) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 724.982(c)(2)(A) through (c)(2)(F) from using air emission controls in accordance with standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.
- 2) The waste determination for a treated hazardous waste shall be performed in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(b)(2) through (b)(9), as applicable to the treated hazardous waste.
- c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.
- 1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using Tank Level 1 controls in accordance with standards specified in Section 724.984(c).
- 2) The maximum organic vapor pressure of the hazardous waste may be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(c)(2) through (c)(4).
- d) The procedure for determining no detectable organic emissions for the purpose of complying with this Subpart must be conducted in accordance with the procedures specified in 40 CFR 265.984(d).
- (Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 724.984 Standards: Tanks

- a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 724.982(b) references the use of this Section for such air emission control.

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b) The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

- 1) For a tank that manages hazardous waste that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) of this Section or the Tank Level 2 controls specified in subsection (d) of this Section.

A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category as follows:

- i) For a tank design capacity equal to or greater than 151 m(3) (39,900 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psig).
- ii) For a tank design capacity equal to or greater than 75 m(3) (19,800 gal) but less than 151 m(3) (39,900 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.00 psig).
- iii) For a tank design capacity less than 75 m(3) (19,800 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psig).

B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A) of this Section.

C) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in 35 Ill. Adm. Code 725.981.

- 2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d) of this Section. Examples of tanks required to use Tank Level 2 controls include a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category as specified in subsection (b)(1)(A) of this Section.

c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4) of this Section:

- 1) The owner or operator shall determine the maximum organic vapor

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pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 724.983(c). Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) of this Section, as applicable to the tank.

- 2) The tank must be equipped with a fixed roof designed to meet the following specifications:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

B) The fixed roof must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof Section joints or between the interface of the roof edge and the tank wall.

C) Either of the following must be true of each fixed roof opening in the fixed roof and of any manifold system associated with the fixed roof ~~must be either~~:

- i) ~~The opening or manifold system is equipped~~ The opening or manifold system is equipped ~~Equipped~~ with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or
- ii) ~~The opening or manifold system is connected~~ The opening or manifold system is connected ~~Connected~~ by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank, except as provided for in subsection (c)(2)(E) of this Section.

D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: the organic vapor permeability; the

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effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- E) The control device operated pursuant to subsection (c)(2)(C) of this Section needs not remove or destroy organics in the vent stream under the following conditions:

i) During periods when it is necessary to provide access to the tank for performing the activities of subsection (c)(2)(E)(ii) of this Section, venting of the vapor headspace underneath the fixed roof to the control device is not required, opening of closure devices is allowed, and removal of the fixed roof is allowed. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, and resume operation of the control device; and

ii) During periods of routine inspection, maintenance, or other activities needed for normal operations, and for removal of accumulated sludge or other residues from the bottom of the tank.

BOARD NOTE: Subsections (c)(2)(E)(i) and (c)(2)(E)(ii) are derived from 40 CFR 264.1084(c)(2)(iii)(B)(1) and (c)(2)(iii)(B)(2), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

ii) To remove accumulated sludge or other residues from the bottom of the tank.

- B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal

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pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

- C) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements.

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except under the special conditions provided for in subsection (1) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

- d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls must use one of the following tanks:

1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;

2) A tank equipped with an external floating roof in accordance with

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- the requirements specified in subsection (f) of this Section;
- 3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;
 - 4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or
 - 5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.
- e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.
- 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:
 - A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
 - B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:
 - i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981; or
 - ii) Two continuous seals mounted one of this Section the other. The lower seal may be a vapor-mounted seal.
 - C) The internal floating roof must meet the following specifications:
 - i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
 - ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.
 - iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90 percent of the opening.
 - iv) Each automatic bleeder vent and rim space vent must be gasketed.
 - v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.
 - vi) Each penetration of the internal floating roof that

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- allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
 - A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
 - B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
 - C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents must be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.
 - 3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:
 - A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10 percent open area.
 - B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:
 - i) Visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
 - ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.
 - C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect

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the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.

- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.

ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

4) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any tank complying with the requirements of this subsection (e).

f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof must meet the requirements specified in subsections (f)(1) through (f)(3) of this Section.

1) The owner or operator shall design the external floating roof in accordance with the following requirements:

A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

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B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981. The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm(2)) per meter (10.0 square inches (in(2)) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 in). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 cm (24 in) above the liquid surface.

ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm(2) per meter (1.00 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.51 in).

C) The external floating roof must meet the following specifications:

i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.

ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.

iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.

iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.

v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.

vii) Each unslotted guide pole must be equipped with a

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gasketed cap on the end of the pole.

- viii) Each slotted guide pole must be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere.

- ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

- 2) The owner or operator shall operate the tank in accordance with the following requirements:

- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

- B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.

- C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.

- D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

- E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

- F) The cap on the end of each unlotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.

- G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.

- H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.

- 3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:

- A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:

- i) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.

- ii) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the

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tank following installation of the floating roof and, thereafter, at least once every year.

- iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) of this Section.

- iv) The owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure of subsection (f)(3)(D) of this Section.

- v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) of this Section, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- vi) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

- B) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:

- i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following conditions: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- ii) The owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.

- iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

- C) Prior to each inspection required by subsection (f)(3)(A) or

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(f)(3)(B) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

- i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) of this Section, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.
- ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (f)(3)(C)(iii) of this Section.
- iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

D) Procedure for determining the total surface area of gaps in the primary seal and the secondary seal:

- i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.
- ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32 cm (0.125 in) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.
- iii) For a seal gap measured under subsection (f)(3) of this Section, the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to

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the seal and multiplying each such width by its respective circumferential distance.

- iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal diameter perimeter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) of this Section.

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) are derived from correspond-with 40 CFR 264.1084(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- 4) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any tank complying with the requirements of subsection (f) of this Section.

g) The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.

- 1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.

B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.

C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for

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and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

- 2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

- A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

- i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

- ii) To remove accumulated sludge or other residues from the bottom of a tank.

- B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

- A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

- C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter,

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the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.

- D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

- h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements:

- 1) The tank must be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

- 2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 724.983(d).

- 3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed system that does not vent to the atmosphere except in the event that a safety device, as defined in 35 Ill. Adm. Code 725.981, is required to open to avoid an unsafe condition.

- i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device must meet the requirements specified in subsections (i)(1) through (i)(4) of this Section.

- 1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure, as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure", initially when the enclosure is first installed and, thereafter, annually.

- 2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 724.987.

- 3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of

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- subsections (i)(1) and (i)(2) of this Section.
- 4) The owner or operator shall inspect and monitor the closed-vent system and control device as specified in Section 724.987.
- j) The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:
- 1) Transfer of hazardous waste, except as provided in subsection (j)(2) of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 724.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) The requirements of subsection (j)(1) of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:
 - A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.
 - B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).
 - C) The hazardous waste meets the requirements of Section 724.982(c)(4).

- k) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3) of this Section, as follows:
- 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.
 - 2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.
- l) Following the initial inspection and monitoring of the cover, as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:
- 1) In the case when inspecting or monitoring the cover would expose

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a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

- A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
- B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.
- 2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 724.985 Standards: Surface Impoundments

- a) The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which Section 724.982(b) references the use of this Section for such air emission control.
- b) The owner or operator shall control air pollutant emissions from the surface impoundment by installing and operating either of the following:
 - 1) A floating membrane cover in accordance with the provisions specified in subsection (c) of this Section; or
 - 2) A cover that is vented through a closed-vent system to a control device in accordance with the provisions specified in subsection (d) of this Section.
- c) The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the requirements specified in subsections (c)(1) through (c)(3) of this Section.
 - 1) The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:
 - A) The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid.
 - B) The cover must be fabricated from a synthetic membrane material that is either:
 - i) High density polyethylene (HDPE) with a thickness no

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less than 2.5 millimeters (mm) (0.098 in); or
 ii) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) of this Section and chemical and physical properties that maintain the material integrity for the intended service life of the material.

C) The cover must be installed in such a manner that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.

D) Except as provided for in subsection (c)(1)(E) of this Section, each opening in the floating membrane cover must be equipped with a closure device so designed as to operate that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device.

E) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain must be equipped with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening or a flexible fabric sleeve seal.

F) The closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.

2) Whenever a hazardous waste is in the surface impoundment, the floating membrane cover must float on the liquid and each closure device must be secured in the closed position, except as follows:

A) Opening of closure devices or removal of the cover is allowed at the following times:

i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following

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completion of the activity, the owner or operator shall promptly replace the cover and secure the closure device in the closed position, as applicable.
 ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.

B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect the floating membrane cover in accordance with the following procedures:

A) The floating membrane cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(c).

d) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device shall meet the requirements specified in subsections (d)(1) through (d)(3) of this Section.

1) The surface impoundment must be covered by a cover and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment.

B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position

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there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions using the procedure specified in Section 724.983(d).

C) The cover and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere to the extent practical, and that will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction for and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed.

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

2) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:

i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment.

ii) To remove accumulated sludge or other residues from the bottom of the surface impoundment.

B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect and monitor the air emission

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control equipment in accordance with the following procedures:

A) The surface impoundment cover and its closure devices shall be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.

D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(c).

e) The owner or operator shall transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (e)(2) of this Section, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to Section 724.984 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, Subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111. The requirements of subsection (e)(1) of this Section do not apply when transferring a hazardous waste to the surface impoundment under any either of the following conditions:

A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.

B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).

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C) The hazardous waste meets the requirements of Section 724.982(c)(4).

f) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(3) or (d)(3) of this Section as follows:

1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (f)(2) of this Section.

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the surface impoundment stops operation. Repair of the defect must be completed before the process or unit resumes operation.

g) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

1) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.

2) Develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable Section of this Subpart as frequently as practicable during those times when a worker can safely access the cover.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 724.986 Standards: Containers

a) The provisions of this Section apply to the control of air pollutant emissions from containers for which Section 724.982(b) references the use of this Section for such air emission control.

b) General requirements.

1) The owner or operator shall control air pollutant emissions from each container subject to this Section in accordance with the following requirements, as applicable to the container, except

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when the special provisions for waste stabilization processes specified in subsection (b)(2) of this Section apply to the container.

A) For a container having a design capacity greater than 0.1 m(3) (26 gal) and less than or equal to 0.46 m(3) (120 gal), the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

B) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is not in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 1 standards specified in subsection (c) of this Section.

C) For a container having a design capacity greater than 0.46 m(3) (120 gal) that is in light material service, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 2 standards specified in subsection (d) of this Section.

2) When a container having a design capacity greater than 0.1 m(3) (26 gal) is used for treatment of a hazardous waste by a waste stabilization process, the owner or operator shall control air pollutant emissions from the container in accordance with the Container Level 3 standards specified in subsection (e) of this Section at those times during the waste stabilization process when the hazardous waste in the container is exposed to the atmosphere.

c) Container Level 1 standards.

1) A container using Container Level 1 controls is one of the following:

A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation, as specified in subsection (f) of this Section.

B) A container equipped with a cover and closure devices that form a continuous barrier over the container openings so that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

C) An open-top container in which an organic-vapor suppressing barrier is placed on or over the hazardous waste in the container such that no hazardous waste is exposed to the atmosphere. One example of such a barrier is application of a suitable organic-vapor suppressing foam.

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- 2) A container used to meet the requirements of subsection (c)(1)(B) or (c)(1)(C) of this Section must be equipped with covers and closure devices, as applicable to the container, that are composed of suitable materials to minimize exposure of the hazardous waste to the atmosphere and to maintain the equipment integrity, for as long as it is in service. Factors to be considered in selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of contact with the hazardous waste or its vapor managed in the container; the effects of outdoor exposure of the closure device or cover material to wind, moisture, and sunlight; and the operating practices for which the container is intended to be used.
- 3) Whenever a hazardous waste is in a container using Container Level 1 controls, the owner or operator shall install all covers and closure devices for the container, as applicable to the container, and secure and maintain each closure device in the closed position except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

- i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

- ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

- i) For the purpose of meeting the requirements of this Section, an empty container, as defined in 35 Ill. Adm. Code 721.107(b), may be open to the atmosphere at any time (i.e., covers and closure devices are not

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required to be secured in the closed position on an empty container).

- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

D) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so

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to avoid an unsafe condition.

- 4) The owner or operator of containers using Container Level 1 controls shall inspect the containers and their covers and closure devices as follows:

A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied ~~{i.e., does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)}~~ within 24 hours after the container is accepted at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b)), the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in 35 Ill. Adm. Code 722. Appendix A (USEPA Forms 8700-22 and 8700-22A), as required under Section 724.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (c)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage

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hazardous waste until the defect is repaired.

- 5) The owner or operator shall maintain at the facility a copy of the procedure used to determine that containers with capacity of 0.46 m(3) (120 gal) or greater, which do not meet applicable DOT regulations, as specified in subsection (f) of this Section, are not managing hazardous waste in light material service.

d) Container Level 2 standards.

1) A container using Container Level 2 controls is one of the following:

A) A container that meets the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as specified in subsection (f) of this Section.

B) A container that operates with no detectable organic emissions, as defined in 35 Ill. Adm. Code 725.981, and determined in accordance with the procedure specified in subsection (g) of this Section.

C) A container that has been demonstrated within the preceding 12 months to be vapor-tight by using 40 CFR 60, appendix A, Method 27, incorporated by reference in 35 Ill. Adm. Code 720.111, in accordance with the procedure specified in subsection (h) of this Section.

2) Transfer of hazardous waste in or out of a container using Container Level 2 controls must be conducted in such a manner as to minimize exposure of the hazardous waste to the atmosphere, to the extent practical, considering the physical properties of the hazardous waste and good engineering and safety practices for handling flammable, ignitable, explosive, reactive, or other hazardous materials. Examples of container loading procedures that the USEPA considers to meet the requirements of this subsection (d)(2) include using any one of the following: a submerged-fill pipe or other submerged-fill method to load liquids into the container; a vapor-balancing system or a vapor-recovery system to collect and control the vapors displaced from the container during filling operations; or a fitted opening in the top of a container through which the hazardous waste is filled and subsequently purging the transfer line before removing it from the container opening.

3) Whenever a hazardous waste is in a container using Container Level 2 controls, the owner or operator shall install all covers and closure devices for the container, and secure and maintain each closure device in the closed position, except as follows:

A) Opening of a closure device or cover is allowed for the purpose of adding hazardous waste or other material to the container as follows:

i) In the case when the container is filled to the intended final level in one continuous operation, the owner or operator shall promptly secure the closure

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devices in the closed position and install the covers, as applicable to the container, upon conclusion of the filling operation.

- ii) In the case when discrete quantities or batches of material intermittently are added to the container over a period of time, the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon either the container being filled to the intended final level; the completion of a batch loading after which no additional material will be added to the container within 15 minutes; the person performing the loading operation leaving the immediate vicinity of the container; or the shutdown of the process generating the material being added to the container, whichever condition occurs first.

- B) Opening of a closure device or cover is allowed for the purpose of removing hazardous waste from the container as follows:

- i) For the purpose of meeting the requirements of this Section, an empty container as defined in 35 Ill. Adm. Code 721.107(b) may be open to the atmosphere at any time (i.e., covers and closure devices are not required to be secured in the closed position on an empty container).

- ii) In the case when discrete quantities or batches of material are removed from the container but the container does not meet the conditions to be an empty container as defined in 35 Ill. Adm. Code 721.107(b), the owner or operator shall promptly secure the closure devices in the closed position and install covers, as applicable to the container, upon the completion of a batch removal after which no additional material will be removed from the container within 15 minutes or the person performing the unloading operation leaves the immediate vicinity of the container, whichever condition occurs first.

- C) Opening of a closure device or cover is allowed when access inside the container is needed to perform routine activities other than transfer of hazardous waste. Examples of such activities include those times when a worker needs to open a port to measure the depth of or sample the material in the container, or when a worker needs to open a manhole hatch to access equipment inside the container. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable to the container.

- D) Opening of a spring-loaded, pressure-vacuum relief valve,

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conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the internal pressure of the container in accordance with the container design specifications. The device must be designed to operate with no detectable organic emission when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the internal pressure of the container is within the internal pressure operating range determined by the owner or operator based on container manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the internal pressure of the container exceeds the internal pressure operating range for the container as a result of loading operations or diurnal ambient temperature fluctuations.

- E) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator of containers using Container Level 2 controls shall inspect the containers and their covers and closure devices as follows:

- A) In the case when a hazardous waste already is in the container at the time the owner or operator first accepts possession of the container at the facility and the container is not emptied ~~(i.e., does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b))~~ within 24 hours after the container is accepted ~~arrives at the facility (i.e., it does not meet the conditions for an empty container as specified in 35 Ill. Adm. Code 721.107(b))~~, the owner or operator shall visually inspect the container and its cover and closure devices to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. The container visual inspection must be conducted on or before the date on which the container is accepted at the facility (i.e., the date when the container becomes subject to the Subpart CC container standards). For the purposes of this requirement, the date of acceptance is the date of signature that the facility owner or operator enters on Item 20 of the Uniform Hazardous Waste Manifest incorporated by reference in the appendix to 40 CFR 262 (USEPA Forms 8700-22 and

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8700-22A), as required under Section 724.171. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

B) In the case when a container used for managing hazardous waste remains at the facility for a period of one year or more, the owner or operator shall visually inspect the container and its cover and closure devices initially and thereafter, at least once every 12 months, to check for visible cracks, holes, gaps, or other open spaces into the interior of the container when the cover and closure devices are secured in the closed position. If a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (d)(4)(C) of this Section.

C) When a defect is detected for the container, cover, or closure devices, the owner or operator shall make first efforts at repair of the defect no later than 24 hours after detection, and repair must be completed as soon as possible but no later than five calendar days after detection. If repair of a defect cannot be completed within five calendar days, then the hazardous waste must be removed from the container and the container must not be used to manage hazardous waste until the defect is repaired.

e) Container Level 3 standards.
1) A container using Container Level 3 controls is one of the following:

A) A container that is vented directly through a closed-vent system to a control device in accordance with the requirements of subsection (e)(2)(B) of this Section.

B) A container that is vented inside an enclosure which is exhausted through a closed-vent system to a control device in accordance with the requirements of subsections (e)(2)(A) and (e)(2)(B) of this Section.

2) The owner or operator shall meet the following requirements, as applicable to the type of air emission control equipment selected by the owner or operator:

A) The container enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of containers through the enclosure by conveyor or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification

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procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

B) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any container, enclosure, closed-vent system, or control device used to comply with the requirements of subsection (e)(1) of this Section.

4) Owners and operators using Container Level 3 controls in accordance with the provisions of this Subpart shall inspect and monitor the closed-vent systems and control devices as specified in Section 724.987.

5) Owners and operators that use Container Level 3 controls in accordance with the provisions of this Subpart shall prepare and maintain the records specified in Section 724.989(d).

f) For the purpose of compliance with subsection (c)(1)(A) or (d)(1)(A) of this Section, containers must be used that meet the applicable U.S. Department of Transportation (USDOT) regulations on packaging hazardous materials for transportation as follows:

1) The container meets the applicable requirements specified in 49 CFR 178, "Specifications for Packaging", or 49 CFR 179, "Specifications for Tank Cars", both incorporated by reference in 35 Ill. Adm. Code 720.111.

2) Hazardous waste is managed in the container in accordance with the applicable requirements specified in 49 CFR 107, Subpart B, "Exemptions"; 49 CFR 172, "Hazardous Materials Table, Special Provisions, Hazardous Materials Communications, Emergency Response Information, and Training Requirements"; 49 CFR 173, "Shippers--General Requirements for Shipments and Packages"; and 49 CFR 180, "Continuing Qualification and Maintenance of Packagings", each incorporated by reference in 35 Ill. Adm. Code 720.111.

3) For the purpose of complying with this Subpart, no exceptions to the 49 CFR 178 or 179 regulations are allowed, except as provided for in subsection (f)(4) of this Section.

4) For a lab pack that is managed in accordance with the requirements of 49 CFR 178, incorporated by reference in 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart, an owner or operator may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b).

g) To determine compliance ~~the owner or operator shall use the procedure specified in Section 724.983(d) for determining a container operator with the no detectable organic emissions requirement of for the purpose of complying with subsection (d)(1)(B) of this Section, the procedure specified in Section 724.983(d) must be used.~~

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- 1) Each potential leak interface (i.e., a location where organic vapor leakage could occur) on the container, its cover, and associated closure devices, as applicable to the container, must be checked. Potential leak interfaces that are associated with containers include, but are not limited to, the following: the interface of the cover rim and the container wall; the periphery of any opening on the container or container cover and its associated closure device; and the sealing seat interface on a spring-loaded pressure-relief valve.
- 2) The test must be performed when the container is filled with a material having a volatile organic concentration representative of the range of volatile organic concentrations for the hazardous wastes expected to be managed in this type of container. During the test, the container cover and closure devices must be secured in the closed position.
- h) Procedure for determining a container to be vapor-tight using Method 27 of 40 CFR 60, appendix A for the purpose of complying with subsection (d)(1)(C) of this Section.
 - 1) The test must be performed in accordance with Method 27 of 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) A pressure measurement device must be used that has a precision of ± 2.5 mm (0.098 in) water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.
 - 3) If the test results determined by Method 27 indicate that the container sustains a pressure change less than or equal to 750 Pascals (0.11 psig) within five minutes after it is pressurized to a minimum of 4,500 Pascals (0.65 psig), then the container is determined to be vapor-tight.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 724.987 Standards: Closed-vent Systems and Control Devices

- a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart.
- b) The closed-vent system shall meet the following requirements:
 - 1) The closed-vent system shall route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) of this Section.
 - 2) The closed-vent system shall be designed and operated in accordance with the requirements specified in Section 724.933(k).
 - 3) When the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before

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entering the control device, each bypass device must be equipped with either a flow indicator, as specified in subsection (b)(3)(A) of this Section, or a seal or locking device, as specified in subsection (b)(3)(B) of this Section. For the purpose of complying with this subsection, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure-relief valves, and other fittings used for safety purposes are not considered to be devices.

- A) If a flow indicator is used to comply with this subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For the purposes of this subsection, a flow indicator means a device that indicates the presence of either gas or vapor flow in the bypass line.
- B) If a seal or locking device is used to comply with subsection (b)(3) of this Section, the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle or damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.
- 4) The closed-vent system must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 724.933(l).
- c) The control device shall meet the following requirements:
 - 1) The control device shall be one of the following devices:
 - A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent % by weight;
 - B) An enclosed combustion device designed and operated in accordance with the requirements of Section 724.933(c); or
 - C) A flare designed and operated in accordance with the requirements of Section 724.933(d).
 - 2) The owner or operator that elects to use a closed-vent system and control device to comply with the requirements of this Section shall comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(F) of this Section.
 - A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must not exceed 240 hours per year.

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- B) The specifications and requirements in subsection (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during periods of planned routine maintenance.
- C) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during a control device system malfunction.
- D) The owner or operator shall demonstrate compliance with the requirements of subsection (c)(2)(A) of this Section (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsections (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must not exceed 240 hours per year) by recording the information specified in Section 724.989(e)(1)(E).
- E) The owner or operator shall correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.
- F) The owner or operator shall operate the closed-vent system so that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally), except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.
- 3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) of this Section shall operate and maintain the control device in accordance with the following requirements:
- A) Following the initial startup of the control device, all activated carbon in the control device shall be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 724.933(g) or Section 724.933(h).
- B) All carbon that is a hazardous waste and that is removed from the control device must ~~shall~~ be managed in accordance with the requirements of Section 724.933(n), regardless of the average volatile organic concentration of the carbon.
- 4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) of this Section shall operate and maintain the control device in accordance with the requirements of Section 724.933(j).
- 5) The owner or operator shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) of this Section, as follows:
- A) An owner or operator shall demonstrate using either a

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- performance test, as specified in subsection (c)(5)(C) of this Section, or a design analysis, as specified in subsection (c)(5)(D) of this Section, the performance of each control device except for the following:
- i) A flare;
- ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater;
- iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;
- iv) A boiler or industrial furnace burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 and has designed and operates the unit in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H; or
- v) A boiler or industrial furnace burning hazardous waste that the owner or operator has designed and operates in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.
- B) An owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in Section 724.933(e).
- C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) of this Section, the owner or operator shall use the test methods and procedures specified in Section 724.934(c)(1) through (c)(4).
- D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) of this Section, the design analysis shall meet the requirements specified in Section 724.935(b)(4)(C).
- E) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) of this Section based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.
- 6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis then the disagreement shall be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) of this Section. The Agency may choose to have an authorized representative observe the performance test.
- 7) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.933(f)(2) and (1). The readings from each monitoring device required by Section

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724.933(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 724.989 Recordkeeping Requirements

a) Each owner or operator of a facility subject to the requirements of this Subpart shall record and maintain the information specified in subsections (b) through (j) of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsections (i) and (j) of this Section, records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsections (i) and (j) of this Section must be maintained in the operating record for as long as the waste management unit tank-or-container is not using air emission controls specified in Sections 724.984 through 724.987, in accordance with the conditions specified in Section 724.984(d) or (b)(7), respectively.

b) The owner or operator of a tank using air emission controls in accordance with the requirements of Section 724.984 shall prepare and maintain records for the tank that include the following information:

1) For each tank using air emission controls in accordance with the requirements of Section 724.984, the owner or operator shall record:

A) A tank identification number (or other unique identification description as selected by the owner or operator).

B) A record for each inspection required by Section 724.984 that includes the following information:

i) Date inspection was conducted.

ii) For each defect detected during the inspection, the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the requirements provisions of Section 724.984, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

2) In addition to the information required by subsection (b)(1) of this Section, the owner or operator shall record the following

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information, as applicable to the tank:

A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 724.984(c) shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 724.984(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.

B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(e) shall prepare and maintain documentation describing the floating roof design.

C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 724.984(f) shall prepare and maintain the following records:

i) Documentation describing the floating roof design and the dimensions of the tank.

ii) Records for each seal gap inspection required by Section 724.984(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtain for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 724.984(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.

D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 724.984(i) shall prepare and maintain the following records:

i) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.

ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.

c) The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of Section 724.985 shall prepare and maintain records for the surface impoundment that include the following information.

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- 1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator).
- 2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 724.985(c).
- 3) A record for each inspection required by Section 724.985 that includes the following information:
 - A) Date inspection was conducted.
 - B) For each defect detected during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 724.985(f), the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.
- 4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in subsection (e).
- d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 724.986 shall prepare and maintain records that include the following information:
 - 1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
 - 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 724.987 shall prepare and maintain records that include the following information:
 - 1) Documentation for the closed-vent system and control device that includes:
 - A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) of this Section or by performance tests as specified in subsection (e)(1)(C) of this Section when the tank, surface impoundment, or container is or would be operating at

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- B) capacity or the highest level reasonably expected to occur. If a design analysis is used, then design documentation, as specified in Section 724.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 724.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.
- C) If performance tests are used, then a performance test plan as specified in Section 724.935(b)(3) and all test results.
- D) Information as required by Section 724.935(c)(1) and Section 724.935(c)(2), as applicable.
- E) An owner or operator shall record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable.
 - i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.
 - ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 724.987(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.
- F) An owner or operator shall record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) of this Section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 724.987 (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable.
 - i) The occurrence and duration of each malfunction of the control device system.
 - ii) The duration of each period during a malfunction when gases, vapors or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.
 - iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual

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manner of operation.

- G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 724.987(c)(3)(B).

- F) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 724.982(c) shall prepare and maintain the following records, as applicable:

- 1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 724.982(c)(1) or (c)(2)(A) through (c)(2)(E), the owner or operator shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with the applicable requirements of Section 724.983.

- 2) For tanks, surface impoundments, or containers exempted under the provisions of Section 724.982(c)(2)(G) or (c)(2)(H), the owner or operator shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

- g) An owner or operator designating a cover as "unsafe to inspect and monitor" pursuant to Section 724.984(l) or Section 724.985(g) shall record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor", the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

- h) The owner or operator of a facility that is subject to this Subpart and to the control device standards in 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

- i) For each tank or container not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the conditions specified in Section 724.980(d), the owner or operator shall record and maintain the following information:

- 1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 724.980(d)(1).
- 2) A description of how the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of

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this Section are managed at the facility in tanks and containers. This description must include the following information:

- A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the tanks.

- B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank: a facility identification number for the container or group of containers, the purpose and placement of this container or group of containers in the management train of this hazardous waste, and the procedures used to ultimately dispose of the hazardous waste managed in the containers.

- 3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section in the tanks or containers identified pursuant to subsection (i)(2) of this Section would create an undue safety hazard if the air emission controls specified in Sections 724.984 through 724.987 were installed and operated on these waste management units. This explanation must include the following information:

- A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart, would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

- B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain the following: how use of the required air emission controls on the tanks would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart, would not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good

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engineering and safety practices for handling organic peroxides.

1) For each hazardous waste management unit not using air emission controls specified in Sections 724.984 through 724.987 in accordance with the requirements of Section 724.980(b)(7), the owner and operator shall record and maintain the following information:

1) The certification that the waste management unit is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63.

2) An identification of the specific federal requirements codified under 40 CFR 60, 61, or 63 with which the waste management unit is in compliance.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Standards for the Management of Used Oil

2) Code Citation: 35 Ill. Adm. Code 739

<u>Section Numbers:</u>	<u>Proposed Action:</u>
739.122	Amended
739.145	Amended
739.154	Amended
739.164	Amended
739.174	Amended

4) Statutory Authority: 415 ILCS 5/22.4 and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's opinion and order of September 17, 1998, proposing amendments in consolidated dockets R98-21/R99-2/R99-7 for public comment, which opinion and order is available from the address below. As is explained in that opinion, the Board will receive public comment on the proposed amendments for 45 days from the date they appear in the *Illinois Register* before proceeding to adopt amendments based on this proposal.

This proceeding would update the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during two update periods and one underground injection control (UIC) period. The three separate dockets and time periods that are involved in this proceeding are the following:

R98-21

Federal RCRA Subtitle C amendments that occurred during the period July 1, 1997, through December 31, 1997.

R99-2

Federal RCRA Subtitle C amendments that occurred in the period January 1, 1998, through June 30, 1998.

R99-7

Federal UIC amendments that occurred in the period January 1, 1998, through June 30, 1998.

The consolidated R98-21/R99-2/R99-7 dockets amend rules in Parts 703, 720, 721, 724, 725, 728, 738, and 739. The following table briefly summarizes the federal actions in these periods:

62 Fed. Reg. 37699
(July 14, 1997)

USEPA extended the capacity variance from the land disposal restrictions for K088 waste for three months, until October 8, 1997.

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62 Fed. Reg. 45568 (August 28, 1997)
USEPA issued a second emergency extension of the alternative treatment standards for carbamate wastes for one year, until August 26, 1998.

62 Fed. Reg. 64503 (December 5, 1997)
USEPA amended the land disposal restrictions to clarify that a treatment variance is available whenever treatment by the prescribed methods or to the required contaminant levels is not appropriate, whether or not treatment is possible.

62 Fed. Reg. 64656 (December 8, 1997)
USEPA adopted clarifying and corrective amendments to its organic material emissions regulations applicable to tanks, containers, and surface impoundments used in the management of hazardous waste (Subpart CC rules).

63 Fed. Reg. 18503 (April 15, 1998)
USEPA adopted air, water, and land environmental standards for the pulp and paper industry sector.

63 Fed. Reg. 24595 (May 4, 1998)
USEPA adopted waste listings and land disposal restrictions relating to wastes from organobromine chemicals production.

63 Fed. Reg. 24963 (May 6, 1998)
USEPA adopted a direct final rule that was effective July 6, 1998. The rule amends the used oil regulations to clarify the regulatory status of used oil mixtures containing PCB-contaminated oils.

63 Fed. Reg. 28555 (May 26, 1998)
USEPA adopted "Phase IV" land disposal restrictions.

63 Fed. Reg. 33781 (June 19, 1998)
USEPA partially adopted the hazardous waste combustion rules.

63 Fed. Reg. 35147 (June 29, 1998)
USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

The Board has already taken or does not need to take action based on one set of these federal RCRA Subtitle C and UIC amendments. The Board dealt with the federal action of July 14, 1997, in the prior consolidated R36-10/R97-3/R97-5 RCRA Subtitle C/UIC update docket, adopted on November 6, 1997, and filed with the Secretary of State on December 16, 1997. The Board will also not amend the Illinois regulations in response to the

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August 28, 1997, federal extension of the national capacity variance as it has already expired by its own terms.

In addition to the federal actions that fall within the timeframes of this consolidated docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

63 Fed. Reg. 42580 (August 10, 1998)
USEPA adopted corrections to the May 4, 1998, organobromine production waste rules, the May 26, 1998, Phase IV land disposal restrictions, and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331 (August 31, 1998)
Technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 48124 (September 9, 1998)
USEPA issued an extension of the Phase IV land disposal restriction (LDR) compliance deadline, until November 26, 1998, for certain, limited metal-bearing wastes.

The Board included three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. Although these actions do not directly affect the RCRA Subtitle C hazardous waste regulations, the Board updates the incorporation by reference.

62 Fed. Reg. 48394 (September 15, 1997)
USEPA amended its analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

63 Fed. Reg. 38756 (July 20, 1998)
USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

63 Fed. Reg. 44146 (August 18, 1998)
USEPA published a correction to 40 C.F.R. 136.3(e), table, as published on July 1, 1997.

Thus, the Board is acting in this consolidated R98-21/R99-2/R99-7 docket on the following USEPA amendments:

62 Fed. Reg. 48394 (September 15, 1997)
Amended analytical method Method 1613, as codified at 40 C.F.R. 136, appendix A.

62 Fed. Reg. 64503 (December 5, 1997)
Clarification of when a treatment variance is available.

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62 Fed. Reg. 64656
(December 8, 1997)

Clarifying and corrective amendments to the Subpart CC rules.

63 Fed. Reg. 18503
(April 15, 1998)

Pulp and paper industry sector standards.

63 Fed. Reg. 24595
(May 4, 1998)

Organobromine chemicals waste rules.

63 Fed. Reg. 24963
(May 6, 1998)

Used oil mixtures rules for PCB-contaminated oils.

63 Fed. Reg. 28555
(May 26, 1998)

"Phase IV" land disposal restrictions.

63 Fed. Reg. 33781
(June 19, 1998)

Hazardous waste combustion rules.

63 Fed. Reg. 35147
(June 29, 1998)

Technical amendments to the organobromine waste rules.

63 Fed. Reg. 38756
(July 20, 1998)

Correction to 40 C.F.R. 136.3(e), table.

63 Fed. Reg. 42580
(August 10, 1998)

Corrections to the organobromine production waste rules, the Phase IV land disposal restrictions, and the organobromine waste technical amendments.

63 Fed. Reg. 44146
(August 18, 1998)

Correction to 40 C.F.R. 136.3(e), table.

63 Fed. Reg. 46331
(August 31, 1998)

Technical amendments to the organobromine waste rules.

63 Fed. Reg. 48124
(September 9, 1998)

Extension of the Phase IV LDR compliance deadline.

Specifically, the amendments to Part 739 include major segments of the federal May 6, 1998, used oil amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first-notice or to second-notice review by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

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7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No.
None of the existing text of Part 739 involved in this proceeding includes an incorporation by reference.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking is mandated by Section 22.4(a) of the Environmental Protection Act. The statewide policy objectives are set forth in Section 20 of that Act. This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R98-21/R99-2/R99-7 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago IL 60601

Address all questions to Michael J. McCambridge at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

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those entities affected by the federal amendments that underlie this proceeding.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. Specifically, these amendments will affect the scope of the existing burden of compliance or impose new burdens on those entities affected by the federal amendments that underlie this proceeding.

- 13) Regulatory Agenda on which this rulemaking was summarized: January and July 1998

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: SPECIFIC HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 739

STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A: DEFINITIONS

Section
739.100
Definitions

SUBPART B: APPLICABILITY

Section
739.110
Applicability
739.111
Used oil specifications
739.112
Prohibitions

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section
739.120
Applicability
739.121
Hazardous waste mixing
739.122
Used oil storage
739.123
On-site burning in space heaters
739.124
Off-site shipments

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

Section
739.130
Do-it-yourselfer used oil collection centers
739.131
Used oil collection centers
739.132
Used oil aggregate points owned by the generator

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section
739.140
Applicability
739.141
Restrictions on transporters that are not also processors
739.142
Notification
739.143
Used oil transportation
739.144
Rebuttable presumption for used oil
739.145
Used oil storage at transfer facilities

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739.146 Tracking
739.147 Management of residues

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section
739.150 Applicability
739.151 Notification
739.152 General facility standards
739.153 Rebuttable presumption for used oil
739.154 Used oil management
739.155 Analysis plan
739.156 Tracking
739.157 Operating record and reporting
739.158 Off-site shipments of used oil
739.159 Management of residues

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section
739.160 Applicability
739.161 Restriction on burning
739.162 Notification
739.163 Rebuttable presumption for used oil
739.164 Used oil storage
739.165 Tracking
739.166 Notices
739.167 Management of residues

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section
739.170 Applicability
739.171 Prohibitions
739.172 On-specification used oil fuel
739.173 Notification
739.174 Tracking
739.175 Notices

SUBPART I: STANDARDS FOR USE AS A DUST SUPPRESSANT DISPOSAL OF USED OIL

Section
739.180 Applicability
739.181 Disposal
739.182 Use as a dust suppressant

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the

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Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 17616, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 10036, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 767, effective December 16, 1997; amended at R98-21/R99-2/R99-7 at 22 Ill. Reg. _____, effective _____.

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section 739.122 Used oil storage

Used oil generators are subject to all applicable federal Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. Used oil generators are also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Storage units. Used oil generators shall not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- b) Condition of units. Containers and aboveground tanks used to store used oil at generator facilities must be:
 - 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- c) Labels.
 - 1) Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."
 - 2) Fill pipes used to transfer used oil into underground storage tanks at generator facilities must be labeled or marked clearly with the words "Used Oil."
- d) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of 40 CFR Part 280, Subpart F and which has occurred after October 4, 1996 the effective date of the authorized used-oil program--for the State--in which the release is located, a generator shall perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.22(d) applies to releases that "occurred after the effective date of the authorized used oil program for the state in which the release is located." The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted "the effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois

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program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized state in which the release is located," the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Properly clean clean up and manage properly the released used oil and other materials; and
- 4) If necessary to prevent future releases, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section 739.145 Used oil storage at transfer facilities

A used oil transporter is subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. A used oil transporter is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Applicability. This Section applies to used oil transfer facilities. Used oil transfer facilities are transportation related facilities including loading docks, parking areas, storage areas, and other areas where shipments of used oil are held for more than 24 hours during the normal course of transportation and not longer than 35 days. Transfer facilities that store used oil for more than 35 days are subject to regulation under Subpart F.
- b) Storage units. Owners or operators of used oil transfer facilities may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- c) Condition of units. Containers and aboveground tanks used to store used oil at transfer facilities must be:
 - 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).

- d) Secondary containment for containers. Containers used to store used oil at transfer facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:

- A) Both:
 - i) Dikes, berms or retaining walls; and
 - ii) A floor. The floor must cover the entire area within

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the dikes, berms, or retaining walls; or

- B) An equivalent secondary containment system.
- 2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- e) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of, at a minimum:
 - A) Both:
 - i) Dikes, berms or retaining walls; and
 - ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
 - B) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- f) Secondary containment for new aboveground tanks. New aboveground tanks used to store used oil at transfer facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of, at a minimum:
 - A) Both:
 - i) Dikes, berms or retaining walls; and
 - ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
 - B) An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floors, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- g) Labels.
 - 1) Containers and aboveground tanks used to store used oil at transfer facilities must be labeled or marked clearly with the words "Used Oil."
 - 2) Fill pipes used to transfer used oil into underground storage tanks at transfer facilities must be labeled or marked clearly with the words "Used Oil."
- h) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of 40 CFR 280, Subpart F and 35-III-Adm-Code-731-Subpart-F which has occurred after October 4, 1996 the effective date of the authorized-used-oil program--for--the-State-in-which-the-release-is-located, an owner or operator of a transfer facility shall perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.45(h) applies to releases that

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"occurred after the effective date of the authorized used oil program for the state in which the release is located." The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted the "effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized state in which the release is located," the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Properly clean ~~clean~~ up and manage ~~properly~~ the released used oil and other materials; and
- 4) If necessary ~~to--prevent--future--releases~~, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section 739.154 Used oil management

A used oil processor is subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. A used oil processor or re-refiner is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Management units. Used oil processors shall not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- b) Condition of units. Containers and aboveground tanks used to store or process used oil at processing facilities must be:
 - 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- c) Secondary containment for containers. Containers used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:

- A) Both:
 - i) Dikes, berms or retaining walls; and
 - ii) A floor. The floor must cover the entire area within

POLLUTION CONTROL BOARD

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- the dike, berm, or retaining wall; or
- B) An equivalent secondary containment system.
- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- d) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:

- A) Both:
 - i) Dikes, berms or retaining walls; and
 - ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
- B) An equivalent secondary containment system.
- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- e) Secondary containment for new aboveground tanks. New aboveground tanks used to store or process used oil at processing and re-refining facilities must be equipped with a secondary containment system.
- 1) The secondary containment system must consist of, at a minimum:

- A) Both:
 - i) Dikes, berms or retaining walls; and
 - ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
- B) An equivalent secondary containment system.
- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- f) Labels.
 - 1) Containers and aboveground tanks used to store used oil at processing facilities must be labeled or marked clearly with the words "Used Oil."
 - 2) Fill pipes used to transfer used oil into underground storage tanks at processing facilities must be labeled or marked clearly with the words "Used Oil."
- g) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of 40 CFR 280, Subpart F and 35 Ill. Adm. Code 731: Subpart F which has occurred after October 4, 1996 the effective date of the authorized used-oil program for the State in which the release is located, a processor shall perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.54(g) applies to releases that

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"occurred after the effective date of the authorized used oil program for the state in which the release is located." The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted the "effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized state in which the release is located," the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Properly clean ~~clean~~ up and manage ~~properly~~ the released used oil and other materials; and
- 4) If necessary ~~to--prevent-future-releases~~, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

h) Closure.

1) Aboveground tanks. Owners and operators that store or process used oil in aboveground tanks shall comply with the following requirements:

- A) At closure of a tank system, the owner or operator shall remove or decontaminate used oil residues in tanks, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste under this chapter.
 - B) If the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated as required in subsection (h)(1)(A) of this Section above, then the owner or operator shall close the tank system and perform post-closure care in accordance with the closure and post-closure care requirements that apply to hazardous waste landfills (35 Ill. Adm. Code 725.410).
- 2) Containers. Owners and operators that store used oil in containers shall comply with the following requirements:
- A) At closure, containers holding used oils or residues of used oil must be removed from the site;
 - B) The owner or operator shall remove or decontaminate used oil residues, contaminated containment system components, contaminated soils, and structures and equipment contaminated with used oil, and manage them as hazardous waste, unless the materials are not hazardous waste 35 Ill. Adm. Code 721.

(Source: Amended at 22 Ill. Reg. _____, effective

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_____)

SUBPART G: STANDARDS FOR USED OIL BURNERS THAT BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section 739.164 Used oil storage

A used oil burner is subject to all applicable Spill Prevention, Control and Countermeasures (40 CFR 112) in addition to the requirements of this Subpart. A used oil burner is also subject to the Underground Storage Tank (35 Ill. Adm. Code 731) standards for used oil stored in underground tanks whether or not the used oil exhibits any characteristics of hazardous waste, in addition to the requirements of this Subpart.

- a) Storage units. Used oil burners may not store used oil in units other than tanks, containers, or units subject to regulation under 35 Ill. Adm. Code 724 or 725.
- b) Condition of units. Containers and aboveground tanks used to store oil at burner facilities must be:
 - 1) In good condition (no severe rusting, apparent structural defects or deterioration); and
 - 2) Not leaking (no visible leaks).
- c) Secondary containment for containers. Containers used to store used oil at burner facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of, at a minimum:
 - A) Dikes, berms or retaining walls; and
 - B) A floor. The floor must cover the entire area within the dike, berm, or retaining wall.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- d) Secondary containment for existing aboveground tanks. Existing aboveground tanks used to store used oil at burner facilities must be equipped with a secondary containment system.
 - 1) The secondary containment system must consist of, at a minimum:
 - A) ~~Both:~~
 - i) Dikes, berms or retaining walls; and
 - ii) ~~B) A floor.~~ The floor must cover the entire area within the dike, berm, or retaining wall except areas where existing portions of the tank meet the ground; or
 - B) ~~A~~ An equivalent secondary containment system.
 - 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.
- e) Secondary containment for existing aboveground tanks. New aboveground tanks used to store used oil at burner facilities must be equipped

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with a secondary containment system.

- 1) The secondary containment system must consist of, at a minimum:

- A) Both:
- i) Dikes, berms or retaining walls; and
 - ii) A floor. The floor must cover the entire area within the dike, berm, or retaining wall; or
- B) An equivalent secondary containment system.
- 2) The entire containment system, including walls and floor, must be sufficiently impervious to used oil to prevent any used oil released into the containment system from migrating out of the system to the soil, groundwater, or surface water.

f) Labels.

- 1) Containers and aboveground tanks used to store used oil at burner facilities must be labeled or marked clearly with the words "Used Oil."
- 2) Fill pipes used to transfer used oil into underground storage tanks at burner facilities must be labeled or marked clearly with the words "Used Oil."
- g) Response to releases. Upon detection of a release of used oil to the environment that is not subject to the federal requirements of 40 CFR 280, Subpart F and 95-III-Adm-Code-731-Subpart-F which has occurred after October 4, 1996 the effective date of the authorized used-oil program for the State in which the release is located, a burner shall perform the following cleanup steps:

BOARD NOTE: Corresponding 40 CFR 279.64(g) applies to releases that "occurred after the effective date of the authorized used oil program for the state in which the release is located." The Board adopted the used oil standards in docket R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993. USEPA approved the Illinois standards at 61 Fed. Reg. 40521 (Aug. 5, 1996), effective October 4, 1996. The Board has interpreted the "effective date of the authorized used oil program" to mean the October 4, 1996 date of federal authorization of the Illinois program, and we substituted that date for the federal effective date language. Had USEPA written something like "the effective date of the used oil program in the authorized state in which the release is located," the Board would have used the November 22, 1993 effective date of the Illinois used oil standards.

- 1) Stop the release;
- 2) Contain the released used oil;
- 3) Properly clean ~~them~~ up and manage properly the released used oil and other materials; and
- 4) If necessary, repair or replace any leaking used oil storage containers or tanks prior to returning them to service.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

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Section 739.174 Tracking

- a) Off-specification used oil delivery. Any used oil fuel marketer that directs a shipment of off-specification used oil to a burner shall keep a record of each shipment of used oil to a used oil burner. These records may take the form of a log, invoice, manifest, bill of lading or other shipping documents. Records for each shipment must include the following information:

- 1) The name and address of the transporter that delivers the used oil to the burner;
 - 2) The name and address of the burner that will receive the used oil;
 - 3) The USEPA 87-S-BPA identification number and Illinois special waste identification number of the transporter that delivers the used oil to the burner;
 - 4) The USEPA 87-S-BPA identification number and Illinois special waste identification number of the burner;
 - 5) The quantity of used oil shipped; and
 - 6) The date of shipment.
- b) On-specification used oil delivery. A generator, transporter, processor or re-refiner, or burner that first claims that used oil that is to be burned for energy recovery meets the fuel specifications under Section 739.111 shall keep a record of each shipment of used oil to an on-specification used oil burner. Records for each shipment must include the following information:
- 1) The name and address of the facility receiving the shipment;
 - 2) The quantity of used oil fuel delivered;
 - 3) The date of shipment or delivery; and
 - 4) A cross-reference to the record of used oil analysis or other information used to make the determination that the oil meets the specification as required under Section 739.172(a).
- c) Record retention. The records described in subsections (a) and (b) of this Section above must be maintained for at least three years.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Illinois Dental Practice Act

2) Code Citation: 68 Ill. Adm. Code 1220

3) Section Numbers: Proposed Action:

1220.100 Amendment
 1220.110 Amendment
 1220.120 Amendment
 1220.155 Amendment
 1220.156 Amendment
 1220.160 Amendment
 1220.170 Amendment
 1220.200 Amendment
 1220.210 Amendment
 1220.220 Amendment
 1220.260 Amendment
 1220.270 Amendment
 1220.310 Amendment
 1220.360 Amendment
 1220.380 New Section
 1220.410 Amendment
 1220.440 Amendment

4) Statutory Authority: Illinois Dental Practice Act [225 ILCS 25]

5) A Complete Description of the Subjects and Issues Involved: Section 1220.380 includes a definition of "dentistry". Sections 1220.120 and 1220.220 change the passing examination scores to those established by the testing entity and add the Western Regional Examination Boards (WREB) examination to the list of acceptable exams. Section 1220.440 includes an elaboration on the requirements for continuing education waivers. Numerous Sections are being amended to update the rules to conform to current practices and to include references to fees being established by rule rather than statute.

6) Will these proposed amendments replace emergency rules currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local governments.

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11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield IL 62786
 217/785-0813
 Fax: 217/782-7645

All written comments received within 45 days of this issue of the *Illinois Register* will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing dental services.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Dental and dental hygienist skills are required for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1220

ILLINOIS DENTAL PRACTICE ACT

SUBPART A: DENTIST

Section	
1220.100	Application for Licensure
1220.110	Application for Examination
1220.120	Clinical Examinations
1220.130	System of Retaking the Clinical Sections of the Examination
1220.140	Minimum Standards for an Approved Curriculum in Dentistry
1220.150	Licensure (Repealed)
1220.155	Restricted Faculty Licenses
1220.156	Temporary Training License
1220.160	Restoration
1220.170	Renewal

SUBPART B: DENTAL HYGIENIST

Section	
1220.200	Application for Licensure
1220.210	Application for Examination
1220.220	Clinical Examination
1220.230	System of Grading (Repealed)
1220.231	System of Retaking the Clinical Examination
1220.240	Permitted Duties of Dental Auxiliaries
1220.250	Approved Programs of Dental Hygiene
1220.260	Restoration
1220.270	Renewal

SUBPART C: DENTAL SPECIALIST

Section	
1220.310	Applications
1220.320	Examination
1220.330	System of Grading (Repealed)
1220.335	American Board Diplomates
1220.340	Specialty Listing (Repealed)
1220.350	Restoration
1220.360	Renewal

SUBPART D: GENERAL

Section

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1220.380	Definitions
1220.400	Reportable Diseases and Conditions
1220.405	Reporting of Adverse Occurrences
1220.410	Endorsement
1220.415	Fees
1220.421	Advertising
1220.425	Referral Services
1220.431	Employment by Corporation (Repealed)
1220.435	Renewals (Repealed)
1220.440	Continuing Education
1220.441	Granting Variances

SUBPART E: ANESTHESIA PERMITS

Section	
1220.500	Definitions
1220.505	Anxiolysis in the Dental Office Setting
1220.510	Conscious Sedation in the Dental Office Setting, Parenteral
1220.520	Deep Sedation and General Anesthesia in the Dental Office Setting
1220.525	Renewal
1220.530	Anesthesia Review Panel
1220.540	Approved Programs in Anesthesiology
1220.550	Reporting of Adverse Occurrences (Repealed)
1220.560	Restoration of Permits

APPENDIX A	Pre-clinical Restorative Dentistry Sub-section (Repealed)
APPENDIX B	Dental Assistant Permitted Procedures
APPENDIX C	Dental Hygienist Permitted Procedures

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; emergency expired December 12, 1983; amended at 8 Ill. Reg. 15610, effective August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559,

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effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606, effective April 28, 1995; amended at 21 Ill. Reg. 378, effective December 20, 1996; emergency amendment at 22 Ill. Reg. 2332, effective January 8, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10574, effective June 1, 1998; amended at 22 Ill. Reg. 14880, effective July 29, 1998; amended at 22 Ill. Reg. _____, effective _____.

SUBPART A: DENTIST

Section 1220.100 Application for Licensure

An applicant for a license to practice dentistry in Illinois shall file an application on forms supplied by the Department of Professional Regulation (the Department) which shall include:

- a) A complete work history indicating all employment since graduation from dental school.
- b) For graduates from a dental college or school in the United States or Canada, certification of successful completion of 60 semester hours or its equivalent of college pre-dental education, and graduation from a course of instruction in a dental program that meets the minimum education standards of the Department specified in Section 1220.140.
- c) For graduates from a dental college or school outside of the United States or Canada:
 - 1) Certification of graduation from a dental college or school;
 - 2) Certification that the applicant was authorized to practice in the jurisdiction in which the applicant completed dental school;
 - 3) Certification from an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school in which the applicant met the same level of scientific knowledge and clinical competence as all graduates from that school or college. The 2 years of clinical training shall consist of:
 - A) 2850 clock hours completed in 2 academic years for full-time applicants;
 - B) 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time applicants; or
 - 4) Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993;
 - 5) Successful completion of the preclinical examination set forth in Section 1220.120(a)(1).
- d) The required fee set forth in Section 1220.415(a)(1) of this Part; ~~21(a)(2) -- of the -- Illinois Dental Practice Act -- 125-1585-25-21(a)(2) -- of the Act --~~
- e) Proof of successful completion of the Theoretical examination given by

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the Joint Commission on National Dental Examinations. In order to be successful, a grade of at least 75 in all subjects is required. The National Board Certificate must be mailed to the Department by the Joint Commission; and

- f) Proof of successful completion of an examination set forth in Section 1220.120(b).

(Source: Amended at 22 Ill. Reg. _____, effective _____.)

Section 1220.110 Application for Examination

An applicant for examination for a license to practice dentistry in Illinois, who has graduated from a dental school or college outside the United States or Canada, shall file an application on forms supplied by the Department of Professional Regulation (the Department) at least 60 days prior to an examination date. The application shall include:

- a) A complete work history indicating all employment since graduation from dental school;
- b) Certification of graduation from a dental college or school;
- c) Certification that the applicant was authorized to practice in the jurisdiction in which the applicant completed dental school;
- d) Certification from:
 - 1) an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school so that the applicant meets the same level of scientific knowledge and clinical competence as all graduates from that school or college. An applicant who is in the last 45 days of the clinical training at the school shall be allowed to sit for the preclinical examination upon notification to the Department from the dean of the college that the applicant only has 45 days left in the program and the school anticipates that the applicant will finish the clinical training. Two years of clinical training means:
 - A) 2850 clock hours completed in 2 academic years for full-time;
 - B) 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time; or
 - 2) Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993;
 - e) The required fee set forth in Section 1220.415 of this Part ~~21(a)(2) -- of the Act --~~; and
 - f) Proof of successful completion of the Theoretical examination given by the Joint Commission on National Dental Examinations. In order to be successful, a grade of at least 75 in all subjects is required. The National Board Certificate must be mailed to the Department by the Joint Commission.

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1220.120 Clinical Examinations

a) The examination conducted by the Department for dental licensure shall be held at least twice each year and shall be divided into two sections as set forth below. Applicants shall have passed the Theoretical examination given by the Joint Commission on National Dental Examinations before taking the Preclinical and Clinical Sections of the examination and shall have passed the Preclinical Section of the examination before taking the Clinical Sections.

- 1) Preclinical Examination - In order to be successful, a score of at least 75 is required.
- 2) Clinical Examination - Applicants who sat for the clinical examination prior to April 1994 and were unsuccessful on any part will take the parts of the clinical examination set forth below until December 31, 1994. After that time, applicants will be required to take the current examination administered by the Department. In order to be successful, a score of at least 75 is required in each of the following parts:

- A) Restorative Amalgam
- B) Restorative Castings
- C) Prosthetics

D) Periodontics

E) Comprehensive Treatment Planning (CTP)

F) Diagnosis, Oral Medicine and Radiology (DOR)

G) Periodontal Simulated Examination (PSE)

- 3) Clinical Examination - Applicants who sat for the April 1994 and December 1994 clinical examination shall complete the parts of the clinical examination set forth below. In order to be successful, a score of at least 75 is required in each of the following parts:

A) Restorative Exercises

i) Class II Amalgam Section

ii) Class III or IV Composite Resin Section

B) Periodontal Exercise

i) Diagnosis, Treatment Planning, Charting Section

ii) Scaling, Polishing, Pocket Probing Section

C) Manikin Exercise

i) Endodontic Section

ii) Three Unit Fixed Partial Denture Sections: abutment preparations and provisional partial denture

D) Written Simulated Clinical Exercise

i) Diagnosis, Oral Medicine and Radiology (DOR) Section

ii) Comprehensive Treatment Planning (CTP) Section

iii) Periodontal Simulated Examination (PSE) Section

iv) Simulated Clinical Prosthetics (SCP) Section

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- 4) Clinical Examination - Beginning in 1995, all applicants for examination will be required to take and pass the clinical examination set forth below:

A) Written Simulated Clinical Exercise

i) Diagnosis, Oral Medicine, Radiology

ii) Comprehensive Treatment Planning

iii) Periodontal, Prosthodontics and Medical Considerations Manikin Exercise

B) Fixed Partial Prosthodontics

ii) Endodontic Treatment

C) Restorative Exercise

i) Class II Silver Amalgam

ii) Class III/IV Composite

D) Periodontal Exercise - Clinical Treatment

The Department, upon recommendation of the Board, shall accept the following examinations for licensure:

- 1) Central Regional Dental Testing Service (CRDTS) and North East Regional Board (NERB) Combined Regional Examination (CORE) with a passing score of 75. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity;

- 2) The North East Regional Board (NERB) with a passing score of 75 or better on each part, if completed within the last 5 years. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity;

- 3) The Central Regional Dental Testing Service (CRDTS) Examination taken after January 1, 1988, with a passing score of 75 or better on each part of the examination prior to May 1993. Beginning in May 1993, a passing score of 70 or better on each part of the examination shall be accepted for licensure. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity; or

- 4) The Southern Regional Testing Agency Inc. (SRTA) Examination taken after January 1, 1991, with a passing score of 75% or better on each section of the examination. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity.

- 5) The Western Regional Examination Boards (WREB) Examination taken after May 1, 1998, with a passing score as established by the testing entity.

- c) The applicant shall have the examination scores submitted to the Department directly from the reporting entity.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1220.155 Restricted Faculty Licenses

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NOTICE OF PROPOSED AMENDMENT(S)

a) Pursuant to Section 11(d) of the Act, the Department shall issue a Restricted Faculty License to an individual who files an application, on forms provided by the Department, which includes:

- 1) A complete work history since graduation from a dental program;
- 2) Certification of licensure from the jurisdiction of original licensure and current licensure;

A) The time during which the applicant was licensed in that jurisdiction, including the date of the original license;

B) A description of the licensure examination in that jurisdiction;

C) Whether the files of the jurisdiction contain any record of disciplinary action taken or pending;

3) A certification, on forms provided by the Department, signed by the Dean of the school or hospital administrator, indicating:

- A) The name and address of the dental school or hospital;
- B) The beginning and ending date of the appointment;
- C) The nature of and the need for the educational service that will be provided by the applicant;

4) The required fee set forth in Section 1220.415(a)(7) ~~of the Act.~~

b) The restricted faculty license shall be valid for 5 years from the date of issuance and may not be extended or renewed.

c) The holder of a restricted faculty license may only perform such acts as may be prescribed by and incidental to the teaching of dentistry and the holder may not engage in the practice of dentistry in this State.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1220.156 Temporary Training License

a) A person seeking a Temporary Training License in Illinois pursuant to Section 11(c) of the Act shall file an application, on forms provided by the Department, which includes:

- 1) A complete work history since graduation from dental school;
- 2) Certification of graduation and/or transcripts from a dental school or program;

3) Certification signed by the Dean/hospital administrator of the specialty or residency program indicating the name of the specialty/residency program, the name and address of the dental school/hospital/institution in which the applicant will be located and the beginning and ending dates of the training;

4) Certification of licensure in another jurisdiction in which the applicant is currently licensed, stating, if applicable:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of original issuance of the license;

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B) A description of the licensure examination in that jurisdiction;

C) Whether the file on the applicant contains a record of any disciplinary actions taken or pending;

5) The required fee set forth in Section 1220.415(a)(8) ~~of the Act.~~

b) The Temporary Training License will be issued for the duration of the residency or specialty training and may be extended as set forth in subsection (c) below.

c) The holder of a Temporary Training License may request in writing an extension of a temporary license and pay a \$20 processing fee which covers the cost of printing a new temporary license. The Temporary Training License may be extended in the following circumstances:

- 1) Proof of continuance of a residency/specialty training program;
- 2) Serving full-time in the Armed Forces; or
- 3) An incapacitating illness as documented by a currently licensed physician.

d) A Temporary Training License may be transferred from one program to another only upon the return of the temporary license and receipt by the Department of a new application that contains a work history, certificate of acceptance that the resident will be accepted or appointed to a specialty/residency position and the temporary license fee.

e) The holder of a Temporary Training License may only perform such acts as may be prescribed and incidental to the training in the designated facility and may not engage in the practice of dentistry in Illinois.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1220.160 Restoration

a) A licensee seeking restoration of a dental license after it has expired or has been placed on inactive status for less than 5 years shall have the license restored by submitting proof of 32 hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and payment of \$10 plus all lapsed renewal fees. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee.

b) A licensee seeking restoration of a dental license after it has expired or has been placed on inactive status for 5 years or more shall file an application, on forms supplied by the Department, together with proof of 32 hours of continuing education in accordance with Section 1220.440 completed within 2 years prior to the restoration application and the fees required by Section 21 of the Act. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee. The licensee shall also submit either:

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- 1) Certification of lawful active practice in another jurisdiction for 3 of the last 5 years. Such certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a license within 2 years of termination of such service, he/she shall have the license restored without paying any lapsed renewal or restoration fees.
- 3) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.120(a)(2) or take and pass the CORE, NERB, CRDTS, or SRPA or WREB examination.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1220.170 Renewal

- a) Every dental license issued under the Act shall expire on September 30 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date thereof by paying the fee required in Section 21(a)(5) of the Act and certifying to fulfillment of 32 hours of continuing education pursuant to Section 1220.440.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.
- c) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 23 of the Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART B: DENTAL HYGIENIST

Section 1220.200 Application for Licensure

An applicant for licensure as a dental hygienist shall file an application, on forms supplied by the Department, which shall include:

- a) Certification of graduation from a dental hygiene program approved by the Department in accordance with Section 1220.250;
- b) Proof that the applicant has passed the National Examination given by the Joint Commission on National Dental Examinations and has been issued a National Board Certificate, mailed to the Department by the

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Joint Commission. In order to be successful, a grade of at least 75 in all subjects is required;

- c) Proof of successful completion of an examination pursuant to Section 1220.220(c);
- d) A complete work history since graduation from a dental hygiene program;
- e) A current certification in cardiopulmonary resuscitation from the American Red Cross, the American Heart Association or an equivalent agency or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification; and
- f) The required fee set forth in Section 1220.415(a)(3). 21(b)(1)-of-the-Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1220.210 Application for Examination

Applications for examination for licensure as a dental hygienist must be filed at least 60 days prior to the date of examination and be accompanied by the following:

- a) Certified transcript from a dental hygiene program which meets the requirements set forth in Section 1220.250 of this Part;
- b) A current certification in cardiopulmonary resuscitation from the American Red Cross, the American Heart Association or an equivalent agency or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification;
- c) A complete work history since completion of the dental hygiene program;
- d) Proof that the applicant has passed the National examination given by the Joint Commission on National Dental Examinations and has been issued a National Board Certificate, mailed to the Department by the Joint Commission. In order to be successful, a grade of at least 75% in all subjects is required; and
- e) The required fee set forth in Section 1220.415 of this Part 21(b)(2)-of-the-Act.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1220.220 Clinical Examination

- a) The examination conducted by the Department for dental hygienist licensure shall be held twice each year. Applicants shall have passed the Theoretical examination given by Joint Commission on National Dental Examinations before taking the Clinical Examination. The Clinical Examination shall be conducted in the following subjects:

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- 1) Dental Hygiene Comprehensive
- 2) Clinical Performance
 - A) Selection of Patient
 - B) Review of Required Records
 - C) Treatment Exercise
- b) Applicants for dental hygiene licensure must achieve at least 75 in each section of the examination in subsection (a) above.
- c) The Department, upon recommendation of the Board, shall accept the following examinations for licensure:
 - 1) The North East Regional Board (NERB) within the last 5 years, with a passing score of 75 or better on each part of the examination. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity;
 - 2) The Central Regional Dental Testing Service (CRDTS) Examination after January 1, 1988, with a passing score of 75 prior to May 1993. Beginning in May 1993 a passing score of 70 or better on each part of the examination shall be accepted for licensure. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity; or
 - 3) The Southern Regional Testing Agency Inc. (SRTA) Examination after January 1, 1991, with a passing score of 75% or better on each part of the examination. Beginning July 1, 1998, the passing score accepted by the Department shall be the passing score established by the testing entity; or
 - 4) The Western Regional Examination Boards (WREB) Examination taken after May 1, 1998, with a passing score as established by the testing entity.
- d) The applicant shall have examination scores submitted to the Department directly from the reporting entity.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1220.260 Restoration

- a) A licensee seeking restoration of a dental hygienist license after it has expired or been placed on inactive status for less than 5 years shall have the license restored by submitting proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration, proof of certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification and payment of \$10 plus all lapsed renewal fees, but not to exceed \$85. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee.
- b) A licensee seeking restoration of a dental hygienist license after it

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has expired or been placed on inactive status for 5 years or more shall file an application, on forms supplied by the Department, together with the fees required by Section 21 of the Act, proof of 24 hours of continuing education pursuant to Section 1220.440 within 2 years prior to application for restoration and proof of certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification. Individuals restoring a license from inactive status shall only be required to pay the current renewal fee. The licensee shall also submit either:

- 1) Certification of lawful active practice in another jurisdiction for at least 3 of the last 5 years. The certification shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 16 of the Act. If an applicant applies for restoration of a license within 2 years of termination of such service, he/she shall have the license restored without paying any lapsed renewal or restoration fees.
- c) If the licensee has not maintained an active practice in another jurisdiction for over 5 years, he/she shall be required to take and pass the clinical examination as provided in Section 1220.220 or take and pass the NERB, CRDTS, and SRTA or WREB examination.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1220.270 Renewal

- a) Every dental hygienist license issued under the Act shall expire on September 30 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date by:
 - 1) certifying on the application to completion of 24 hours of continuing education pursuant to Section 1220.440 of this Part;
 - 2) certifying to current certification in cardiopulmonary resuscitation or a statement from a licensed physician indicating that the applicant is physically disabled and unable to obtain certification; and
 - 3) submitting the fee required in Section 21 of the Act.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.
- c) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 23 of the Act.

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(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART C: DENTAL SPECIALIST

Section 1220.310 Applications

a) An applicant for examination for licensure as a dental specialist must be currently licensed as a dentist in Illinois and must file an application at least 60 days prior to date of examination. The application shall include the following:

- 1) Certification of completion of dental specialty training in accordance with subsection (b) below;
- 2) A complete work history since graduation from dental school;
- 3) The fee required in Section 1220.415(a)(2) of this Part. ~~21--of the Act.~~

b) To further qualify for examination as a specialist in Endodontics, Pediatric Dentistry, prosthodontics or Orthodontics and Dentofacial Orthopedics, the applicant must submit, in addition to the requirements of subsection (a) above, records, certified by the director of the program, showing that the applicant has successfully completed a course of study of not less than 2 academic years in a program approved by the Department, in the dental specialty he/she proposes to practice.

c) To further qualify for examination as a specialist in Oral and Maxillofacial Surgery, the applicant must submit, in addition to the requirements of subsection (a), above, the following:

- 1) The Oral and Maxillofacial Surgery application must contain evidence that the applicant has successfully completed a 4 year (48 months) period of training in oral and maxillofacial surgery in a school and/or hospital approved by the Department. A minimum of 30 months shall be in clinical oral and maxillofacial surgery. Preceptor training program (training not conducted in an approved school and/or hospital program) is not recognized in satisfaction of any part of the 4 year requirement. The schedule shall include 24 months of full-time hospital training in an acceptable oral and maxillofacial surgery residency program. Not less than 4 months of this period must be devoted to training in anesthesiology.

2) Certified records are required from the Dean of the dental school or the head of the Oral and Maxillofacial Surgery Department of the hospital or clinic in which the oral and maxillofacial surgery training took place. The records must attest to the individual's successful completion of the program.

d) After July 1, 1994, periodontic specialty programs shall be 3 consecutive academic years with a minimum of 30 months of instruction. At least 2 consecutive years of clinical education must take place in a single educational setting. Applicants who completed periodontic

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specialty training prior to July 1, 1994, shall have successfully completed a course of study of not less than 2 academic years in a program approved by the Department.

e) For the purpose of approving dental specialty education programs, the Department shall apply the standards used by the American Dental Association as approved by its Commission on Dental Accreditation specified in the "Requirements for Advanced Specialty Education Programs", approved July 1, 1994, which are herein incorporated by reference and include no later amendments.

f) The provisions of this Section shall apply to all applicants upon adoption without regard to where an applicant is in the application process.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1220.360 Renewal

a) Every dental specialty license issued under the Act shall expire on September 30 of each even numbered year. The holder of a license may renew the license during the month preceding the expiration date thereof by paying the required fee in Section 21(a)(5)-and-(b)(4) of the Act.

b) No specialty license shall be renewed if the dental license is expired, revoked, suspended or otherwise subject to discipline under Section 23 of the Act.

c) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and renewal of one's license.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

SUBPART D: GENERAL

Section 1220.380 Definitions

"Act" means the Illinois Dental Practice Act.

"Board" means the State Board of Dentistry.

"Dentistry" means the evaluation, diagnosis, prevention and/or treatment (nonsurgical or surgical), or related procedures of diseases, disorders and/or conditions of the oral cavity, maxillofacial area and/or the adjacent and associated structures and their impact on the human body provided by a dentist, within the scope of his/her education, training and experience in accordance with the

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ethics of the profession and applicable laws.

"Department" means the Illinois Department of Professional Regulation.

"Director" means the Director of the Department of Professional Regulation.

(Source: Added at 22 Ill. Reg. _____, effective _____)

Section 1220.410 Endorsement

a) A person seeking licensure in Illinois as a dentist or as a dental hygienist who is so licensed in another state or territory and has been lawfully practicing for at least 3 of the last 5 years prior to application in Illinois, may be granted licensure in Illinois upon proof that the requirements for licensure in the other jurisdiction are at least equal to the requirements in Illinois.

b) The applicant shall file an application for licensure on forms provided by the Department, which shall include:

1) Certification of licensure in the other jurisdiction stating:
A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;

B) A description of the licensure examination in that jurisdiction; and

C) Whether the files of the jurisdiction contain any record of any disciplinary action taken or pending;

2) The applicant's National Board of Dentistry Examination scores, which must be forwarded to the Department from the Joint Commission on National Dental Examinations;

3) For dental applicants, certification of successful completion of 60 semester hours or its equivalent of college level pre-dental education and graduation from a course of instruction in a dental school which meets the minimum education standards of the Department specified in Section 1220.140;

4) After May 21, 1993, for dental applicants who graduated from a dental college or school outside of the United States or Canada:

A) Certification of graduation from a dental college or school;

B) Certification that the applicant was authorized to practice in the jurisdiction in which the applicant attended dental school; and

C) Certification from an approved dental college or school in the United States or Canada that the applicant has completed a minimum of 2 years of clinical training at the school in which the applicant met the same level of scientific knowledge and clinical competence as all graduates from that school or college. The 2 years of clinical training shall

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consist of:

- i) 2850 clock hours completed in 2 academic years for full-time applicants;
 - ii) 2850 clock hours completed in 4 years with a minimum of 700 hours per year for part-time applicants; or
- D) Certification from an Illinois dental college or school approved clinical program that the applicant has completed the program and was enrolled for not less than one year prior to January 1, 1993;

5) For dental hygienists, certification of 2 academic years of credit in an approved school of dental hygiene which meets the minimum education standards of the Department specified in Section 1220.250;

6) Verification of employment;

7) A complete work history indicating all employment since graduation from dental school or dental hygiene program;

8) Certifications from any other jurisdiction in which the applicant is licensed which shall contain the information specified in subsection (1) above; and

9) Fees required under Section Sections 1220.415 of this Part. 218e(4) and (b)(3) of the Act.

c) The Department shall also accept the NERB examination or its regional equivalent for dental licensure.

d) Each application shall be reviewed on an individual basis by the Board in accordance with the provisions of this Section.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1220.440 Continuing Education

a) Continuing Education Hours Requirements

1) Beginning with the September 30, 1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dentist shall have completed 32 hours of continuing education (CE) relevant to the practice of dentistry during the prerenewal period.

2) Beginning with the September 30, 1994, renewal and every renewal thereafter, each person who applies for renewal of a license as a dental hygienist shall have completed 24 hours of CE relevant to the practice of dental hygiene during the prerenewal period.

3) A prerenewal period is the 24 months preceding September 30 of each even-numbered year.

4) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of a dental or dental hygienist license.

5) Continuing education is not required to renew a dental specialty license. The holder of a dental specialty license is, however,

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- required to complete 32 hours to renew the dental license.
- 6) Dentists or dental hygienist licensed in Illinois but residing in other states shall comply with the CE requirements set forth in this Section.
 - 7) Continuing education credit for hours used to satisfy the CE requirements of another state may be applied to fulfillment of the CE requirements of the State of Illinois.
- b) Approved Continuing Education/Continuing Education Sponsors
- 1) All CE courses shall be relevant to the treatment and care of patients and shall be:
 - A) Clinical courses in dentistry and dental hygiene; or
 - B) Nonclinical subjects that relate to the skills necessary to provide dental or dental hygiene services and are supportive of clinical services (i.e., patient management, legal and ethical responsibilities, stress management). Courses not acceptable for the purpose of this definition include, but are not limited to, estate planning, financial planning, investments and personal health.
 - 2) CE credit may be earned for verifiable attendance at or participation in any courses which meet the requirements of subsection (b)(1) above given by one of the following sponsors:
 - A) American Dental Association and National Dental Association, its constituent and component/branch associations and the American Dental Association Continuing Education Recognition Programs;
 - B) American Dental Hygienist's Association and National Dental Hygienist's Association, its constituent and component/branch associations;
 - C) Dental programs approved by the Department as meeting minimum standards for an approved curriculum in dentistry under Section 1220.140 and dental hygiene programs approved under Section 1220.250 of this Part;
 - D) Organizations of specialties recognized by the American Dental Association and its constituent and component/branch associations, such as, but not limited to:
 - i) Oral and Maxillofacial Surgery
 - ii) Endodontics
 - iii) Pediatric Dentistry
 - iv) Prosthodontics
 - v) Orthodontics
 - vi) Periodontology;
 - E) Academy of General Dentistry, its constituent and component/branch associations and approved sponsors;
 - F) American Dental Society of Anesthesiology and its constituent and component/branch associations;
 - G) Community colleges with an approved dental hygiene program if offered under the auspices of the dental hygiene program;
 - H) A college or university accredited by an agency approved by

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- the U.S. Office of Education or a community college approved by the Illinois Community College Board;
- I) A hospital which has been accredited by the Joint Commission on Accreditation of Healthcare Organizations;
 - J) The American Heart Association and the American Cancer Society;
 - K) A medical school which is accredited by the American Medical Association's Liaison Committee for Medical Education;
 - L) American Medical Association (AMA), specialty medical associations/organizations, the Accreditation Council on Continuing Medical Education;
 - M) Federal and State government agencies (i.e., dental division, military dental division, Veterans' Administration, etc.); or
 - N) A person, firm or association approved by the Department in accordance with subsection (c) below.
- 3) CE credit may be earned for completion of an individual study course (correspondence, audio or video course) sponsored by an approved sponsor. Such courses shall include a test which the licensee must pass to obtain credit. No more than 50% of the required CE credit hours during a prerenewal period may be acquired through correspondence courses.
 - 4) CE credit may be earned from teleconferencing courses with a moderator present given by an Illinois approved sponsor.
 - 5) CE credit may be earned from courses leading to an advanced degree or specialty in dental or dental hygiene. Such courses shall be allotted CE credit at the rate of 15 CE hours for each semester hour and 10 CE hours for each quarter hour of school credit awarded.
 - 6) CE credit may be earned as an instructor of continuing education courses given by approved sponsors. Credit will be applied for every hour taught and only for the first presentation of the program (i.e., credit shall not be allowed for repetitious presentations). No more than 50% of the required CE credit hours during a prerenewal period may be acquired through continuing education courses.
 - 7) CE credit may be earned for presenting volunteer community oral health education programs. Credit will be applied for each hour of presentation documented by the program director. No more than 2 hours of the required CE credit hours during a prerenewal period may be acquired through presentation of volunteer community oral health education programs.
 - 8) Hours for CPR recertification shall not be counted toward meeting CE requirements for dental hygienists.
 - 9) Continuing education hours required by a disciplinary order shall not be used to satisfy the continuing education requirements for license renewal.
 - 10) If a renewal applicant will be earning or has earned CE hours in

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another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an Illinois approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (b)(1) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted prior to the expiration date of the license.

- c) Sponsor Application pursuant to Subsection (b)(2)(M)
- 1) Entities seeking approval as CE sponsors pursuant to subsection (b)(2)(M) above shall file an application, on forms supplied by the Department, along with the fee set forth in Section 1220.415(a)(9) a--\$500--processing--fee. The applicant shall certify on the application the following:
 - A) That all programs offered by the sponsor for CE credit will comply with the criteria in subsection (b)(1) and all other criteria in this Section;
 - B) That the sponsor will be responsible for providing a certificate of attendance and will maintain attendance records for at least 5 years. The certificate of attendance shall contain:
 - i) The name and address of the sponsor;
 - ii) The name, address and license number of the participant;
 - iii) A brief statement of the subject matter;
 - iv) The number of hours attended in each program;
 - v) An indication of whether the program fulfills CE requirements for dentist, dental hygienist or both;
 - vi) The date and place of the program; and
 - vii) The signature of the sponsor;
 - C) That upon request by the Department, the sponsor will submit evidence (e.g., certificate of attendance or course materials) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with this Part and that the information is necessary to ensure compliance.
 - 2) To maintain approval as sponsor, each sponsor shall submit to the Department by September 30 of each even-numbered year a renewal application, the fee set forth in Section 1220.415(b)(5) a--\$250--fee and a list of courses and programs offered within the last 24 months. The list shall include a brief description, location, date and time of each course given.
 - 3) The sponsor shall be responsible for ensuring that any dentist or dental hygienist who will be performing some type of procedure as a part of a continuing education course shall have a current

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license in Illinois or another jurisdiction.

- d) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the renewal application, to full compliance with the CE requirements set forth in subsection (a), above.
 - 2) The Department may require additional evidence (e.g., certificate of attendance, transcripts, proof of registration) demonstrating compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. The evidence shall be retained for at least 5 years following the renewal period in which the CE was taken.
 - 3) The Department may conduct random audits to verify compliance with CE requirements.
 - 4) When there is evidence of a lack of compliance with CE requirements, an applicant shall be notified in writing and may request a hearing before the Board. The Department may recommend that steps be taken to begin the formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- e) Waiver of CE Requirements
- 1) Any renewal applicant seeking renewal of the license or certificate without having fully complied with these CE requirements shall file with the Department a renewal application, a statement setting forth the facts concerning such noncompliance, a request for waiver of the CE requirements on the basis of such facts and, if desired, a request for an interview before the Board. If the Department finds from such statement or any other evidence submitted, that good cause has been shown for granting a waiver of the CE requirements, or any part thereof, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
 - 2) Good cause shall be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of such period;
 - B) An incapacitating illness documented by a licensed physician;
 - C) Undue hardship (e.g., prolonged hospitalization, being disabled and unable to practice dentistry or dental hygiene on a temporary basis);
 - D) Being retired from practice and not performing any dental or dental hygiene services (if a dentist or dental hygienist wishes to still practice occasionally, he/she shall be required to fulfill the requirements of continuing education as he/she is actively functioning in a professional capacity, albeit infrequently); or
 - E) Being disabled and unable to practice dentistry or dental

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hygiene.

- 3) If an interview is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Illinois Occupational Therapy Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1315
- 3) Section Numbers:
- | | |
|----------|------------------|
| 1315.100 | Proposed Action: |
| 1315.110 | Amendment |
| 1315.120 | Amendment |
| 1315.160 | Amendment |
| 1315.165 | Amendment |
- 4) Statutory Authority: Illinois Occupational Therapy Practice Act [225 ILCS 75]
- 5) A Complete Description of the Subjects and Issues Involved: Section 1315.110 includes a definition of "supervision", and Section 1315.165 expands the professional conduct standards. Other Sections will be amended to update the rules to conform to current practices.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield IL 62786
 217/785-0813
 Fax #: 217/782-7645

All written comments received within 45 days after this issue of the *Illinois Register* will be considered.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Those providing occupational therapy

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services.

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: Occupational
therapy skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1315
ILLINOIS OCCUPATIONAL THERAPY PRACTICE ACT

Section	
1315.90	Application for Licensure Under Section 14 of the Act (Repealed)
1315.100	Approved Programs
1315.110	Application for Licensure
1315.120	Examination
1315.130	Fees for the Administration of the Act
1315.140	Renewal
1315.150	Endorsement
1315.160	Restoration
1315.163	Supervision
1315.165	Professional Conduct Standards
1315.170	Advertising
1315.180	Conduct of Hearings (Repealed)
1315.200	Granting Variances

AUTHORITY: Implementing the Illinois Occupational Therapy Practice Act [225 ILCS 75] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 8 Ill. Reg. 676, effective January 1, 1984, for a maximum of 150 days; adopted at 8 Ill. Reg. 16455, effective August 28, 1984; recodified from Chapter I, 68 Ill. Adm. Code 315 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1315 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2940; amended at 18 Ill. Reg. 7373, effective May 2, 1994; amended at 18 Ill. Reg. 16615, effective October 27, 1994; amended at 22 Ill. Reg. _____, effective _____.

Section 1315.100 Approved Programs

- a) The Department of Professional Regulation (the Department) shall approve a program of occupational therapy education as reputable and in good standing if it meets the following minimum criteria:
- 1) Is from an institution legally recognized and authorized by the jurisdiction in which it is located to confer either a baccalaureate degree in occupational therapy, or its equivalent, or an associate degree in occupational therapy, or its equivalent.
 - 2) Has a faculty that consists of a sufficient number of full-time instructors to ensure educational obligations to the student are fulfilled. The faculty must have demonstrated competence in

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their area(s) of teaching as evidenced by appropriate degrees from reputable professional colleges or institutions.

- 3) Has a curriculum of sufficient content for the achievement of entry level competencies, including liberal and technical education. Documentation shall include instructional objectives, outlines, methods and learning experiences.
- 4) Accepts only those persons who have graduated from an accredited high school or its equivalent.
- 5) Maintains permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- 6) Maintains or is formally affiliated with a field work education center that provides a sufficient number and variety of occupational therapy cases for the student's practical instruction.
- 7) Publishes the requirements for graduation and degrees in a regularly issued catalog.
- b) In determining whether a program should be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the Accreditation Counsel for Occupational Therapy (ACOTE) American-Occupational-Therapy-Association.
- c) The Department has determined that all occupational therapy programs accredited or approved by the ACOTE American-Occupational-Therapy Association as of July 1, 1996 January--17--1994, meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1315.110 Application for Licensure

- a) Any person seeking licensure as a registered occupational therapist shall file an application with the Department, on forms supplied by the Department, along with the following:

- 1) Certification that the applicant has completed an approved program of occupational therapy as set forth in Section 1315.100;
 - 2) Verification of the successful completion of the Certification Examination for Occupational Therapist, Registered, which shall be received directly from the designated testing service;
 - 3) A complete work history since graduation from an occupational therapy program;
 - 4) Verification of employment and approval to sit for the examination if an applicant wishes to practice prior to passing the examination pursuant to Section 3(6) of the Act;
- 5) 4) The required fee set forth in Section 1315.130(a) of this Part; and

- 6) 5) Certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and

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is currently licensed, if applicable, stating:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
- B) A description of the examination in that jurisdiction; and
- C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- b) Any person seeking licensure as a certified occupational therapy assistant shall file an application with the Department, on forms supplied by the Department, along with the following:
 - 1) Certification that the applicant has completed an approved program of occupational therapy;
 - 2) Verification of the successful completion of the Certification Examination for Occupational Therapy Assistants, which shall be received directly from the designated testing service;
 - 3) A complete work history since completion of education as an occupational therapy assistant;
 - 4) Verification of employment and approval to sit for the examination if an applicant wishes to practice prior to passing the examination pursuant to Section 3(6) of the Act;
- 5) 4) The required fee set forth in Section 1315.130(a) of this Part; and
- 6) 5) Certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and is currently licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Illinois Occupational Therapy Board (the Board) because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.
- d) An applicant for licensure whose examination scores are more than 5 years old and who is not actively practicing as an occupational therapist or occupational therapy assistant shall be required to successfully complete the examination before the Department may issue a license.
- e) If the applicant has been determined eligible for licensure except for passing of the examination, the applicant shall be issued a letter of

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authorization which allows him/her to practice under supervision in accordance with Section 3(6) of the Act. Supervision means the presence of the licensed occupational therapist on site at least 75% of the employee's work hours. The applicant shall not begin practice as an occupational therapist or occupational therapist assistant, license pending, until the letter of authorization is received from the Department or until the employer verifies that the application is on file with the Department.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1315.120 Examination

- a) The examination for licensure as a registered occupational therapist shall be the certification examination for the National Board for Certification in Occupational Therapy, Inc. ~~American-Occupational Therapy---Certification---Board~~ (Certification Examination for Occupational Therapist, Registered).
- b) The examination for licensure as a certified occupational therapy assistant shall be the certification examination for the National Board for Certification in Occupational Therapy, Inc. ~~American Occupational Therapy---Certification---Board~~ (Certification Examination for Occupational Therapy Assistants).
- c) Candidates shall make application for the examination and pay the appropriate examination fee directly to the designated testing service.
- d) Unsuccessful candidates may retake the examination as many times as they wish.
- e) Passage of the certification examination according to testing service standards shall be required for licensure.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1315.160 Restoration

- a) A person seeking restoration of a license that has expired or been placed on inactive status for 5 years or more ~~than 5-years~~ shall file an application with the Department, on forms supplied by the Department, along with the required fees specified in Section 1315.130 of this Part. The applicant shall also submit one of the following:
 - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;
 - 2) An affidavit attesting to military service as provided in Section

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11 of the Act (no fee is required when restoring from a period of military service if application is made within 2 years after termination of the service);

- 3) Verification of successful completion of the Certification Examination of the ~~NBCOT American---Occupational---Therapy Association~~ for licensure as a registered occupational therapist or certified occupational therapy assistant within the last 5 years prior to applying for restoration; or
- 4) Evidence of recent attendance at educational programs in occupational therapy, including attendance at college level courses, professionally oriented continuing education classes, special seminars, or any other similar program, or evidence of recent related work experience to show that the applicant has maintained competence in his/her field.

- b) A registrant seeking restoration of a license that has been expired for less than 5 years shall have the license restored upon payment of \$10 plus all lapsed renewal fees required by Section 1315.130 of this Part.

c) A registrant seeking restoration of a license that has been on inactive status for less than 5 years shall have the license restored upon payment of the current renewal fee.

- d) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure shall be requested to:
 - 1) Provide such information as may be necessary; and/or
 - 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

Section 1315.165 Professional Conduct Standards

All licensed occupational therapists or occupational therapy assistants shall comply with the standards of professional conduct set forth below. Any violation of these conduct rules may be considered unethical, unauthorized or unprofessional conduct. The Department may suspend or revoke a license, refuse to issue or renew a license, or take other disciplinary action, based upon the finding of "unethical, unauthorized or unprofessional conduct" within the meaning of Section 19 of the Act.

- a) Individuals licensed under the Act shall be required, when signing official patient records, to designate licensure by including the notation O.T.R./L (Occupational Therapist, Registered/Licensed) or C.O.T.A./L (Certified Occupational Therapy Assistant/Licensed) after the licensee's signature.

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b) Occupational therapy personnel shall respect the rights of the recipients of their services.

- 1) Occupational therapy personnel should act to prevent and eliminate discrimination against any person or group on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status.
- 2) Occupational therapy personnel shall avoid those relationships or activities that interfere with professional judgment and objectivity. Occupational therapy personnel shall not have relationships that exploit the recipient of services sexually, physically, emotionally, financially, socially or in any other manner.
- 3) Occupational therapy personnel shall strive to ensure that fees are fair, reasonable and commensurate with the service performed and are set with due regard for the service recipient's ability to pay.
- 4) Occupational therapy personnel shall collaborate with service recipients or their surrogate(s) in determining goals and priorities throughout the intervention process.
- 5) Occupational therapy personnel shall fully inform the service recipients of the nature, risks and potential outcomes of any interventions.
- 6) Occupational therapy personnel shall obtain informed consent from subjects involved in research activities indicating they have been fully advised of the potential risks and outcomes.
- 7) Occupational therapy personnel shall respect the individual's right to refuse professional services or involvement in research or educational activities.
- 8) Occupational therapy personnel shall protect the confidential nature of information gained from educational, practice and research activities.
- c) Occupational therapy personnel shall achieve and continually maintain high standards of competence.
 - 1) Occupational therapy personnel shall take responsibility for maintaining competence by participating in professional development and educational activities.
 - 2) Occupational therapy personnel shall perform their duties on the basis of accurate and current information.
 - 3) Occupational therapy practitioners shall protect service recipients by ensuring that duties assumed by or assigned to other occupational therapy personnel are commensurate with their qualifications and experience.
 - 4) Occupational therapy practitioners shall provide appropriate supervision to consult with other service providers when additional knowledge and expertise are required.
 - 5) Occupational practitioners shall refer recipients to other

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- d) service providers or consult with other service providers when additional knowledge and expertise are required.
 - Occupational therapy personnel shall comply with laws and rules in relation to the profession of occupational therapy.
 - 1) Occupational therapy personnel shall understand and abide by local, State and Federal laws and institutional rules.
 - 2) Occupational therapy personnel shall require those they supervise in occupational therapy activities to adhere to the professional conduct rules established in this Part.
 - 3) Occupational therapy personnel shall accurately record and report all information related to professional activities.
 - e) Occupational therapy personnel shall provide accurate information about occupational therapy services.
 - 1) Occupational therapy personnel shall accurately represent their qualifications, education, experience, training and competence.
 - 2) Occupational therapy personnel shall disclose to recipients any affiliations that may pose a conflict of interest.
 - 3) Occupational therapy personnel shall refrain from using or participating in the use of any form of communication that contains false, fraudulent, deceptive, or unfair statements or claims.
 - f) Occupational therapy personnel shall treat colleagues and other professionals with fairness, discretion and integrity.
 - 1) Occupational therapy personnel shall safeguard confidential information about colleagues and staff.
 - 2) Occupational therapy personnel shall accurately represent the qualifications, views, contributions and findings of colleagues.
 - g) Pursuant to Section 19(8) of the Act, the Department hereby incorporates by reference the Occupational Therapy Code of Ethics of the American Occupational Therapy Association, 4720 Montgomery Lane, P.O. Box 31220, Bethesda, Maryland 20824, July 1994, with no later amendments or editions.

(Source: Amended at 22 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED RULES

1) Heading of the Part: Access to Public Records

2) Code Citation: 2 Ill. Adm. Code 1176

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1176.10	New Section
1176.20	New Section
1176.100	New Section
1176.110	New Section
1176.200	New Section
1176.210	New Section
1176.300	New Section
1176.310	New Section
1176.400	New Section
1176.410	New Section
1176.420	New Section

4) Statutory Authority: Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

5) A Complete Description of the Subjects and Issues Involved: The Freedom of Information Act (FOIA) has been identified as overlapping rules inherited by DHS from the six legacy agencies. Changes to this rule will combine terms and definitions used in the various prototypes.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.

DEPARTMENT OF HUMAN SERVICES

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Springfield IL 62762
(217) 785-9772
TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of the Proposed Rule begins on the next page:

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NOTICE OF PROPOSED RULES

TITLE 2: GOVERNMENTAL AGENCIES
SUBTITLE D: CODE DEPARTMENTS
CHAPTER XX: DEPARTMENT OF HUMAN SERVICES

PART 1176

ACCESS TO PUBLIC RECORDS

SUBPART A: INTRODUCTION

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Definitions

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section
1176.100
1176.110

Person to Whom Requests are Submitted
Form and Content of Requests

SUBPART C: PROCEDURES FOR DHS RESPONSE TO REQUESTS FOR PUBLIC RECORDS

Section
1176.200
1176.210

Timelines for DHS Response
Categories of DHS Response

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

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1176.300
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Appeal of a Denial
Secretary's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section
1176.400
1176.410
1176.420

Inspection of Records at Department Offices
Copies of Public Records
General Materials Available from the Freedom of Information Officer

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

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SOURCE: Adopted at 8 Ill. Reg. 15957, effective August 20, 1984; amended at 9 Ill. Reg. 2314, effective February 15, 1985; amended at 9 Ill. Reg. 12859, effective August 6, 1985; amended at 11 Ill. Reg. 19416, effective November 13, 1987; amended at 12 Ill. Reg. 14689, effective September 2, 1988; amended at 13 Ill. Reg. 15763, effective September 22, 1989; amended at 14 Ill. Reg. 15999, effective September 17, 1990; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9327; old Part repealed at 22 Ill. Reg. _____, and new Part adopted at 22 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 1176.10 Summary and Purpose

- a) This Part is established to implement the provisions of the Freedom of Information Act [5 ILCS 140]. The purpose of this Part is to support the policy of providing public access to the public records in the possession of this Department while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) This Part creates a procedure by which the public may request and obtain public records. Therefore, it is being filed in accordance with Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

Section 1176.20 Definitions

Terms used in this Part shall have the same meaning as in the Freedom of Information Act.

"DHS" means the Department of Human Services.

"FOIA" means the Freedom of Information Act.

"Freedom of Information Officer" means an individual responsible for receiving and responding to requests for public records.

"Requestor" means a person who submits a request for public records in accordance with this Part.

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 1176.100 Person to Whom Requests are Submitted

Requests for public records shall be submitted to the DHS Freedom of Information Officer. Requests shall be submitted to the following address:

Freedom of Information Officer

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Department of Human Services
100 South Grand Ave. East
Springfield IL 62762
ATTN: FOIA Request

Section 1176.110 Form and Content of Requests

- a) All requests for records submitted to the Department in accordance with FOIA shall be made in writing unless the individual is unable, because of disability, to prepare a written request.
- b) Oral requests will be handled expeditiously. However, the required response times and the appeal procedures contained in FOIA and this Part do not apply to oral requests.
- c) The requestor shall provide the following information in a request for public records:
 - 1) The requestor's full name, address and phone number.
 - 2) A brief description of the public records sought, being as specific as possible.
 - 3) Whether the request is for inspection of public records, copies of public records, or both.
 - 4) Whether the requestor wants copies of public records certified.

SUBPART C: PROCEDURES FOR DHS RESPONSE TO REQUESTS FOR PUBLIC RECORDS**Section 1176.200 Timelines for DHS Response**

- a) The Department shall respond in writing to a written request for public records within 7 working days after the receipt of such request.
- b) The Department may give notice of an extension of time to respond that does not exceed an additional 7 working days. Such an extension is allowable only if written notice is provided within the original 7 working day time limit and only for the reasons provided in Section 3(d) of FOIA [5 ILCS 140/3(d)]. Such notice of extension shall state the reasons why the extension is necessary.

Section 1176.210 Categories of DHS Response

- a) DHS shall respond to a request for public records in one of three ways:
 - 1) Approve the request.
 - 2) Approve in part and deny in part.
 - 3) Deny the request.
- b) Upon approval of a request for public records, DHS may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of records.
- c) A denial of a request for public records shall be made in writing. It

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shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of FOIA [5 ILCS 140/3 and 7] and the names and titles of individuals responsible for the decision. It shall also give notice of the requestor's right to appeal to the Secretary of DHS.

- d) Categorical requests creating an undue burden upon DHS shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of FOIA [5 ILCS 140/3(f)].
- e) Failure to respond to a written request within 7 working days may be considered by the requestor a denial of the request.

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL**Section 1176.300 Appeal of a Denial**

- a) A requestor whose request has been denied by the Freedom of Information Officer may appeal the denial to the Secretary of DHS. The appeal must be postmarked within 10 working days after the denial. The notice of appeal shall be made in writing to:

Secretary
Department of Human Services
100 South Grand Ave. East
Springfield, Illinois 62762
ATTN: FOIA Appeal

- b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requestor, and a statement of the reasons why the appeal should be granted.

Section 1176.310 Secretary's Response to Appeal

The Secretary shall respond to an appeal within 7 working days after receiving notice of the appeal. Secretary shall either affirm the denial or uphold the appeal. The Secretary's response shall state the requestor's right to a judicial review of the decision pursuant to Section 11 of FOIA [5 ILCS 140/11]. Failure to respond within 7 working days may be considered by the requestor an affirmation of the denial.

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS**Section 1176.400 Inspection of Records at Department Offices**

- a) Generally, public records will be made available for inspection during normal working hours of the DHS office where they are maintained.
- b) Documents that the requestor wishes to have copied shall be segregated during the course of the inspection.

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- c) An employee of DHS shall be present throughout the inspection. The requestor may be prohibited from bringing bags, briefcases or other containers into the inspection room.
- d) Files shall be reviewed and exempt or confidential information shall be deleted by a DHS employee before a requestor is permitted access to them. The FOI Officer shall be consulted in cases where DHS staff have questions concerning confidentiality.
- e) The requestor shall arrange a time and date to review records that is convenient for the DHS employees who maintain the requested records.
- f) The requestor may not remove records from the DHS offices, except those copies produced and paid for (if applicable per Section 1176.410 of this Part) during the requestor's inspection of the file.

Section 1176.410 Copies of Public Records

- a) Copies of public records shall be provided to the requestor only upon payment of any charges that are due. Payment must be by check or money order made payable to the Department of Human Services. If payment is not received within 60 days after DHS has notified the requestor of the charges, DHS shall consider the request withdrawn.
- b) Charges for copies of public records shall be 10 cents per page for requests of 10 or more pages. No cost will be charged for records containing fewer than 10 pages.
- c) Charges may be waived or reduced if the requestor is an employee of a State agency, a constitutional officer, or a member of the General Assembly, and for all others whose requests for information are in the public interest (i.e., if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit). The person requesting the documents must request that the fee be waived or reduced and must state the specific purpose for the records, that a waiver or reduction is in the public interest and the reasons why.

Section 1176.420 General Materials Available from the Freedom of Information Officer

The Freedom of Information Officer shall make available to the public at no charge the following materials:

- a) A brief description of DHS organizational structure and budget;
- b) A brief description of the means for requesting information and public records;
- c) A list of types and categories of public records maintained by DHS; and
- d) A copy of all DHS Administrative Rules.

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NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Access to Public Records
- 2) Code Citation: 2 Ill. Adm. Code 1176
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1176.10	Repealed
1176.20	Repealed
1176.100	Repealed
1176.110	Repealed
1176.200	Repealed
1176.210	Repealed
1176.300	Repealed
1176.310	Repealed
1176.400	Repealed
1176.410	Repealed
1176.420	Repealed

- 4) Statutory Authority: Implementing the Freedom of Information Act [ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

- 5) A Complete Description of the Subjects and Issues involved: Part 1176 of former legacy agency DORS is being repealed and replaced with 2 Ill. Adm. Code 1176 for DHS.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this proposed repealer contain incorporations by reference? No

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their comments concerning this rulemaking within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor Harris Bldg.

DEPARTMENT OF HUMAN SERVICES

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Springfield IL 62762
 (217) 785-9772
 TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary form compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1998

The full text of this Proposed Repealer begins on the next page.

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NOTICE OF PROPOSED REPEALER

TITLE 2: GOVERNMENTAL ORGANIZATION
 SUBTITLE D: CODE DEPARTMENTS
 CHAPTER XX: DEPARTMENT OF HUMAN SERVICES

PART 1176
 ACCESS TO PUBLIC RECORDS
 (REPEALED)

SUBPART A: INTRODUCTION

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Person to Whom Requests are Submitted
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SUBPART C: PROCEDURES FOR DORS' RESPONSE
TO REQUESTS FOR PUBLIC RECORDS

Section
 1176.200
 1176.210

Timeline for DORS' Response
 Types of DORS' Responses

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section
 1176.300
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Appeal of a Denial
 Director's Response to Appeal

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section
 1176.400
 1176.410
 1176.420

Inspection of Records at Department Offices
 Copies of Public Records
 General Materials Available from the Freedom of Information Officer

EXHIBIT A
 EXHIBIT B

Request for Public Records (Repealed)
 Reply to Request for Public Records (Repealed)

AUTHORITY: Implementing the Freedom of Information Act [5 ILCS 140] and Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15] and authorized by Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405].

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NOTICE OF PROPOSED REPEALER

SOURCE: Adopted at 8 Ill. Reg. 15957, effective August 20, 1984; amended at 9 Ill. Reg. 2314, effective February 15, 1985; amended at 9 Ill. Reg. 12859, effective August 6, 1985; amended at 11 Ill. Reg. 19416, effective November 13, 1987; amended at 12 Ill. Reg. 14689, effective September 2, 1989; amended at 13 Ill. Reg. 15763, effective September 22, 1989; amended at 14 Ill. Reg. 15999, effective September 17, 1990; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9327; repealed at 22 Ill. Reg. _____, effective _____.

SUBPART A: INTRODUCTION

Section 1176.10 Summary and Purpose

- a) These rules are established to implement the provisions of the Freedom of Information Act (Ill. Rev. Stat. 1987, ch. 116, par. 201 et seq.). The purpose of these rules is to support the policy of providing public access to the public records in the possession of this Department while, at the same time, protecting legitimate privacy interests and maintaining administrative efficiency.
- b) These rules create a procedure by which the public may request and obtain public records. Therefore, they are being filed in accordance with Section 5-15 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, par. 1005-15).

Section 1176.20 Definitions

- a) Terms used in these rules shall have the same meaning as in the Freedom of Information Act.
- b) "DHS" means the Department of Human Services.
- c) "FOIA" means the Freedom of Information Act.
- d) "Freedom of Information Officer" means an individual responsible for receiving and responding to requests for public records.
- e) "Requestor" means a person who submits a request for public records in accordance with these rules.

SUBPART B: PROCEDURES FOR REQUESTING PUBLIC RECORDS

Section 1176.100 Person to Whom Requests are Submitted

Requests for public records shall be submitted to DHS' Freedom of Information Officer. Requests shall be submitted to the following address:

Freedom of Information Officer
Department of Human Services
Suite 8-100, 100 W. Randolph
Chicago, Illinois 60601
ATTN: FOIA Request

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NOTICE OF PROPOSED REPEALER

Section 1176.110 Form and Content of Requests

- a) Requests in accordance with FOIA and these rules shall be made in writing unless the individual is unable, because of disability, to prepare a written request.
- b) Oral requests will be handled expeditiously. However, the required response times and the appeal procedures contained in the FOIA and these rules do not apply to oral requests.
- c) The requestor shall provide the following information in a request for public records:
 - 1) The requestor's full name, address and phone number.
 - 2) A brief description of the public records sought, being as specific as possible.
 - 3) Whether the request is for inspection of public records, copies of public records, or both.
 - 4) Whether the requestor wants copies of public records certified.

SUBPART C: PROCEDURES FOR DORS' RESPONSE
TO REQUESTS FOR PUBLIC RECORDS**Section 1176.200 Timeline for DORS' Response**

- a) DHS shall respond in writing to a written request for public records within 7 working days after the receipt of such request.
- b) DHS may give notice of an extension of time to respond which does not exceed an additional 7 working days. Such an extension is allowable only if written notice is provided within the original 7 working day time limit and only for the reasons provided in Section 3(d) of the FOIA (Ill. Rev. Stat. 1987, ch. 116, par. 203(d)). Such notice of extension shall state the reasons why the extension is necessary.

Section 1176.210 Types of DORS' Responses

- a) DHS shall respond to a request for public records in one of three ways:
 - 1) Approve the request.
 - 2) Approve in part and deny in part.
 - 3) Deny the request.
- b) Upon approval of a request for public records, DHS may either provide the materials immediately, give notice that the materials shall be made available upon payment of reproduction costs or give notice of the time and place for inspection of records.
- c) A denial of a request for public records shall be made in writing. It shall state the reasons for the denial in accordance with either Section 3(f) or Section 7 of the FOIA (Ill. Rev. Stat. 1987, ch. 116, par. 203(f) or 207) and the names and titles of individuals responsible for the decision. It shall also give notice of the requestor's right to appeal to the Director within 10 working days of

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- the denial.
- d) Categorical requests creating an undue burden upon DORS shall be denied only after extending to the requestor an opportunity to confer in an attempt to reduce the request to manageable proportions in accordance with Section 3(f) of the FOIA (Ill. Rev. Stat. 1987, ch. 116, par. 203(f)).
 - e) Failure to respond to a written request within 7 working days may be considered by the requestor a denial of the request.

SUBPART D: PROCEDURES FOR APPEAL OF A DENIAL

Section 1176.300 Appeal of a Denial

- a) A requestor whose request has been denied by the Freedom of Information Officer may appeal the denial to DORS' Director. The appeal must be postmarked within 10 working days of the denial. The notice of appeal shall be made in writing and sent to:
Director
Department of Human Services
623 East Adams
P.O. Box 19429
Springfield, Illinois 62794-9429
ATTN: FOIA Appeal
- b) The notice of appeal shall include a copy of the original request, a copy of the denial received by the requestor, and a statement of the reasons why the appeal should be granted.

Section 1176.310 Director's Response to Appeal

The Director shall respond to an appeal within 7 working days after receiving notice thereof. The Director shall either affirm the denial or uphold the appeal. The Director's response shall state the requestor's right to a judicial review of the decision pursuant to Section 11 of the FOIA (Ill. Rev. Stat. 1989, ch. 116, par. 211). Failure to respond within 7 working days may be considered by the requestor an affirmation of the denial.

SUBPART E: PROCEDURES FOR PROVIDING PUBLIC RECORDS TO REQUESTORS

Section 1176.400 Inspection of Records at Department Offices

- a) Generally, public records will be made available for inspection during normal working hours of the DHS office where they are maintained.
- b) Documents which the requestor wishes to have copied shall be segregated during the course of the inspection. Generally, all copying shall be done by DHS employees.
- c) An employee of the DHS shall be present throughout the inspection. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.

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- d) Files shall be reviewed and exempt or confidential information deleted by a DHS employee before a requestor is permitted access to them. The FOI Officer shall be consulted in cases where DHS staff have questions.
- e) A requestor shall arrange a time and date to review records that is convenient for the DHS employees who maintain the requested records.
- f) A requestor may not remove records from the DHS offices, except those copies produced and paid for (if applicable per 1176.410) during the requestor's inspection of the file.

Section 1176.410 Copies of Public Records

- a) Copies of public records shall be provided to the requestor only upon payment of any charges which are due. Payment must be by check or money order and made out to the Department of Human Services. If payment is not received within 60 days after DHS has notified the requestor of the charges, DHS shall consider the request withdrawn.
- b) Charges for copies of public records shall be 10 cents per page for requests of 10 or more pages. No cost will be charged for records containing less than 10 pages.
- c) Charges may be waived or reduced if the requestor is an employee of a state agency, a constitutional officer, a member of the General Assembly, or for all others whose requests for information are in the public interest (i.e., if the principal purpose of the request is to access and disseminate information regarding the health, safety, and welfare or the legal rights of the general public and is not for the principal purpose of personal or commercial benefit). The person requesting the documents must also request that the fee be waived or reduced, and state the specific purpose for the records, and that a waiver or reduction is in the public interest and the reasons why.
- d) The FOI Officer shall provide the appropriate FOI Certification, when requested.

Section 1176.420 General Materials Available from the Freedom of Information Officer

The Freedom of Information Officer shall make available to the public at no charge the following materials:

- a) A brief description of DHS organizational structure and budget;
- b) A brief description of the means for requesting information and public records; and
- c) A list of types and categories of public records maintained by DHS.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Access to and Eligibility for Child Welfare Services
- 2) Code Citation: 89 Ill. Adm. Code 304
- 3) Section Numbers: Adopted Action:
304.4 Amend
- 4) Statutory Authority: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; Sections 2 and 2.1 of the Abused and Neglected Child Reporting Act [325 ILCS 5/2 and 2.1]; Section 1-2 of the Juvenile Court Act of 1987 [705 ILCS 405/1-2]; and the Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act (42 U.S.C. 671(a)(14)).
- 5) Effective Date of Rule(s): October 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rule contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg.13220 (October 3, 1997)
- 10) Has JCAR issued a Statement of Objection to these rule(s)? No
- 11) Difference(s) between proposal and final version:
 1. In subsection 304.4(a)(1), "as determined by the Department" was inserted after "families".
 2. In proposed subsection 304.4(d), the label (1) was deleted and "for care or services" was inserted before "legal custody".
 3. Proposed subsection 304.4(d)(2) was deleted in its entirety.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): This rulemaking implements provisions of P.A. 89-21 and P.A. 89-582. Together these Public Acts amended the

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Juvenile Court Act of 1987 to restrict the authority of judges to commit delinquent minors to the Department and to exclude from eligibility for Department care and services delinquent minors age 13 and over unless they were already in the care of the Department at the time of the allegation or adjudication of delinquency.

- 16) Information and questions regarding this adopted rule shall be directed to:

Jerry B. Crabtree
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
(217) 524-1983
TTY: (217) 524-3715
E-Mail Address: ORPINFO@pop.state.il.us

The full text of the Adopted Rule(s) begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 304

ACCESS TO AND ELIGIBILITY FOR CHILD WELFARE SERVICES

Section	Purpose
304.1	Purpose
304.2	Definitions
304.3	Introduction to Child Welfare Services
304.4	Eligibility for Child Welfare Services
304.5	Access to Child Welfare Services
304.6	Decision Concerning Case Opening

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act (20 ILCS 505/5); Sections 2 and 2.1 of the Abused and Neglected Child Reporting Act (325 ILCS 5/2 and 2.1); Section 1-2 of the Juvenile Court Act of 1987 [705 ILCS 405/1-2]; and the Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act (42 U.S.C. 671(a)(14)).

SOURCE: Adopted and codified at 5 Ill. Reg. 13117, effective November 30, 1981; amended at 8 Ill. Reg. 12118, effective July 9, 1984; amended at 17 Ill. Reg. 251, effective December 31, 1992; amended at 19 Ill. Reg. 9429, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10738, effective July 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1569, effective January 10, 1996; amended at 22 Ill. Reg. 18843, effective Oct 01 1998.

Section 304.4 Eligibility for Child Welfare Services

- a) No Financial Eligibility
 The family's income, assets or other financial resources do not affect whether a family is eligible for child welfare services. Instead, child welfare services are provided to the children and families who need them, who will benefit from them and who the Department is responsible for serving, regardless of the family's ability to pay for the services.

- b) Children and Families the Department Must Serve
 The Department must, by law, provide child welfare services to the following categories of children and families as determined by the Department in accordance with 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect):

- 1) abused and neglected children and their families;
- 2) dependent children and their families;
- 3) children under the age of 13 who have been adjudicated delinquent and their families;

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- 4) children for whom the Department already has court ordered legal responsibility who are subsequently adjudicated delinquent or minors requiring authoritative intervention and their families. The Department is mandated to continue serving these children even if they are over age 13 when they are adjudicated delinquent or minors requiring authoritative intervention. However, the Department may transfer custody of a minor 10 years of age or over to the Juvenile Division of the Department of Corrections in accordance with the provisions of the Unified Code of Corrections [730 ILCS 5/3-10-11], if the minor has been adjudicated delinquent and it is determined by an interagency review committee that the Department lacks adequate facilities to care for and rehabilitate the minor.

c) Children and Families the Department May Elect to Serve

In addition to the children and families the Department must serve, the Department may elect to provide child welfare services to other children and families who request the services, who the Department deems to be in need of the services, and who the Department deems will benefit from the services.

d) Children and Families Ineligible for Department Services

The Department shall not accept for care or services, or legal custody or guardianship, of a minor 13 years of age or older for whom allegations or adjudication of abuse, neglect or dependency arise from the same facts, incident or circumstances which give rise to a charge or adjudication of delinquency unless the minor is already in the legal custody or guardianship of the Department.

e) No Financial Eligibility

The family's income, assets or other financial resources do not affect whether a family is eligible for child welfare services. Instead, child welfare services are provided to the children and families who need them, who will benefit from them and who the Department is responsible for serving, regardless of the family's ability to pay for the services.

(Source: Amended at 22 Ill. Reg. 18843, effective Oct 01 1998)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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- 1) Heading of the Part: Reports of Child Abuse and Neglect

- 2) Code Citation: 89 Ill. Adm. Code 300

- 3) Section Numbers: Adopted Action:

300.120 Amend
300.110 Amend
300.120 Amend
300.160 Amend
300.170 New

- 4) Statutory Authority: 325 ILCS 5

- 5) Effective Date of Rules: October 1, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rule contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 7802 (May 8, 1998)

- 10) Has JCRC issued a Statement of Objection to these rules? No

- 11) Difference(s) between proposal and final version:

Section 300.110, The Formal Investigation

Section 300.110(i)(3)(A) was rewritten as follows:

- A) When credible evidence of abuse or neglect has been obtained pertinent to an allegation, the allegation is indicated.

(i) If any allegation of child abuse or neglect is indicated, the report is indicated.

(ii) Investigative staff shall not determine that a report is indicated based solely upon the existence of a prior unfounded report or reports.

(iii) A court finding of child abuse or neglect shall be presumptive evidence that the report is indicated.

Section 300.160, Special Types of Reports

Section 300.160(a)(3)(A) requires the Department to provide child death

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review teams with information concerning previous reports and investigations. The requirement was changed to "all available previous reports". In addition, the following language was added to subsection(a)(3)(A):

"Other records and case information relevant to the review include:

- i) birth certificates;
- ii) all relevant medical and mental health records;
- iii) records of law enforcement agency investigations;
- iv) records of coroner or medical examiner investigations;
- v) records of the Department of Corrections concerning a person's parole;
- vi) records of a probation and court services department, and records of a social service agency that provided services to the child or the child's family."

In subsection (a)(3)(D) the following language was added:

"Follow-up may include, but is not limited to:

- i) further investigation;
- ii) risk assessment;
- iii) grief counseling for other children in the family;
- iv) referrals for other services as appropriate."

Section 300.170, Child Death Review Teams

In subsection (d), the following language was added after "A child death review team shall review a child death as soon as practical": "upon receiving notification from the Department".

After subsection (d), a new subsection (e) was added as follows: "(e) Following the review, the team shall forward its recommendations, on forms provided by the Department, to the Director of the Department."

Former subsections (e) and (f) were changed to (f) and (g)

The following language was added to subsection (g):

"Other records and case information relevant to the review include:

- 1) birth certificates;
- 2) all relevant medical and mental health records;
- 3) records of law enforcement agency investigations;
- 4) records of coroner or medical examiner investigations;
- 5) records of the Department of Corrections concerning a person's parole;

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- 6) records of a probation and court services department, and records of a social service agency that provided services to the child or the child's family."

12) Have all the changes agreed upon by the agency and JC&R been made as indicated in the agreements issued by JC&R? Yes

13) Will this rule replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: These rules are being adopted to comply with statutory revisions.

16) Information and questions regarding this adopted rule shall be directed to:

Jerry B. Crabtree
Office of Child and Family Policy
Department of Children and Family Services
406 East Monroe, Station #65
Springfield, Illinois 62701-1498
(217) 524-1983
TTY: (217) 524-3715
E-Mail Address: ORPINFO@pop.state.il.us

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 300

REPORTS OF CHILD ABUSE AND NEGLECT

Section

300.10	Purpose
300.20	Definitions
300.30	Reporting Child Abuse or Neglect to the Department
300.40	Content of Child Abuse or Neglect Reports
300.50	Transmittal of Child Abuse or Neglect Reports
300.60	Special Types of Reports (Recordified)
300.70	Referrals to the Local Law Enforcement Agency and State's Attorney
300.80	Delegation of the Investigation
300.90	Time Frames for the Investigation
300.100	Initial Investigation
300.110	The Formal Investigative Process
300.120	Taking Children into Temporary Protective Custody
300.130	Notices Whether Child Abuse or Neglect Occurred
300.140	Transmittal of Information to the Illinois Department of Professional Regulation and to School Superintendents
300.150	Referral for Other Services
300.160	Special Types of Reports
300.170	Child Death Review Teams
APPENDIX A	Acknowledgement of Mandated Reporter Status
APPENDIX B	Child Abuse and Neglect Allegations

AUTHORITY: Implementing and authorized by the Abused and Neglected Child Reporting Act [325 ILCS 5] and Section 3 of the Consent by Minors to Medical Procedures Act [410 ILCS 210/3].

SOURCE: Adopted and codified as 89 Ill. Adm. Code 302 at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5915, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1151, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified from 89 Ill. Adm. Code 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, and Appendix A at 11 Ill. Reg. 3492; emergency amendments at 11 Ill. Reg. 4058, effective February 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12619, effective July 20, 1987; recodified at 11 Ill. Reg. 13405; amended at 13 Ill. Reg. 2419, effective March 1, 1989; emergency amendment at 14 Ill. Reg. 11356,

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effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 17558, effective October 15, 1990; amended at 14 Ill. Reg. 19827, effective November 28, 1990; emergency amendment at 15 Ill. Reg. 14285, effective September 25, 1991; amended at 15 Ill. Reg. 17986, effective December 1, 1991; emergency amendment at 17 Ill. Reg. 15658, effective September 10, 1993, for a maximum of 150 days; emergency expired February 7, 1994; amended at 18 Ill. Reg. 8377, effective May 31, 1994; amended at 18 Ill. Reg. 8601, effective June 1, 1994; amended at 19 Ill. Reg. 3469, effective March 15, 1995; amended at 19 Ill. Reg. 10522, effective July 1, 1995; amended at 20 Ill. Reg. 10328, effective August 1, 1996; amended at 22 Ill. Reg. 18847, effective 001 01 1998.

Section 300.20 Definitions

"Abused Child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily function;

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function;

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child; or

inflicts excessive corporal punishment; or:--{925-IBES-5/3}

commits or allows to be committed the offense of female genital mutilation, as defined in Section 12-34 of the Criminal Code of 1961, against the child. [325 ILCS 5/3]

"Caregiver" means the child's parent(s), guardian, custodian or relative with whom the child lives and who has primary responsibility for the care and supervision of the child.

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"Child" means any person under the age of 18 years, unless legally emancipated by reason of marriage or entry into a branch of the United States armed services.

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

"Child Protective Service Unit" (CPS) means certain specialized State employees of the Department assigned by the Director or his designee to perform the duties and responsibilities as provided under this part. They are also known as investigative staff. [325 ILCS 5/3]

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parents parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Collateral contact" means obtaining information concerning a child, parent, or other person responsible for the child from a person who has knowledge of the family situation but was not directly involved in referring the child or family to the Department for services.

"Credible evidence of child abuse or neglect" means that the available facts when viewed in light of surrounding circumstances would cause a reasonable person to believe that a child was abused or neglected.

"Delegation of an investigation" means the investigation of decision whether a report of child abuse or neglect was--"indicated" or "unfounded" has been deferred to another authority. The Department maintains responsibility for determining whether the report is indicated or unfounded, entering information about the report in the State Central Register and for notifying the subjects of the report and mandated reporters of the results of the investigation.

"Department," as used in this Part, means the Department of Children and Family Services.

"Determination" means a final Department decision about whether there is credible evidence that child abuse or neglect occurred. A determination must be either "indicated" or "unfounded."

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"Disfigurement" means a serious or protracted blemish, scar, or deformity that spoils a person's appearance or limits bodily functions.

"Formal investigation" means those activities conducted by Department investigative staff necessary to make a determination as to whether a report of suspected child abuse or neglect is indicated or unfounded. Such activities shall include: an evaluation of the environment of the child named in the report and any other children in the same environment; a determination of the risk to such children if they continue to remain in the existing environments, as well as a determination of the nature, extent and cause of any condition enumerated in such report, the name, age and condition of other children in the environment; and an evaluation as to whether there would be an immediate and urgent necessity to remove the child from the environment if appropriate family preservation services were provided. After seeing to the safety of the child or children, the Department shall forthwith notify the subjects of the report in writing, of the existence of the report and their rights existing under the ~~this~~ Act in regard to amendment or expungement. [325 ILCS 5/3]

"Indicated Report" means any report of child abuse or neglect made to the Department for which it is determined, after an investigation, that credible evidence of the alleged abuse or neglect exists.

"Initial Investigation" means those activities conducted by Department investigative staff to determine whether a report of suspected child abuse or neglect is a good faith indication of abuse or neglect and, therefore, requires a formal investigation. Good faith in this context means that the report was made with the honest intention to identify actual child abuse or neglect.

"Initial Oral Report" means a report alleging child abuse or neglect for which the State Central Register has no prior records on the family.

"Involved Subject" means a child who is the alleged victim of child abuse or neglect or a person who is the alleged perpetrator of the child abuse or neglect.

"Local law enforcement agency" means the police of a city, town, village or other incorporated area or the sheriff of an unincorporated area or any sworn officer of the Illinois Department of State Police.

"Mandated reporters" means those individuals required to report suspected child abuse or neglect to the Department. A list of these persons and their associated responsibilities is provided in Section

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300.30 of this Part.

"Neglected child" means any child who is not receiving the proper or necessary nourishment or medically indicated treatment including food or care not provided solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise is not receiving the proper or necessary support, or medical or other remedial care recognized under State law as necessary for a child's well-being (including where there is harm or substantial risk of harm to the child's health or welfare), or other care necessary for a child's well-being, including adequate food, clothing and shelter; or who is abandoned by his or her parents or other person responsible for the child's welfare without a proper plan of care; or who is a newborn infant whose blood, and urine or meconium contains any amount of controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof, with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial care under Section 4 of the Abused and Neglected Child Reporting Act. Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because such parent or other person responsible for the child's welfare depends upon spiritual means alone for treatment or cure, such child is subject to the requirements of this Act for the reporting of, investigation of, and provision of protective services with respect to such child and his health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for such necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code. [325 ILCS 5/3]

"Perpetrator" means a person who, as a result of investigation, has been determined by the Department to have caused child abuse or neglect.

"Person responsible for the child's welfare" means the child's parent,

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guardian, foster parent, relative caregiver, an operator, supervisor, or employee of a public or private residential agency or institution or public or private profit or not-for-profit child care facility; or any other person responsible for the child's welfare at the time of the alleged abuse or neglect, or any person who came to know the child through an official capacity or position of trust, including but not limited to health care professionals, educational personnel, recreational supervisors, and volunteers or support personnel in any setting where children may be subject to abuse or neglect. [325 ILCS 5/3]

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/Art. XI].

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Subject of a report" means any child reported to the child abuse/neglect State Central Register, and his or her parent, personal guardian or other person responsible for the child's welfare who is named in the report.

"Temporary protective custody" means custody within a hospital or other medical facility or a place previously designated by the Department, subject to review by the Court. Temporary protective custody cannot exceed 48 hours excluding Saturdays, Sundays and holidays.

"Undetermined report" means any report of child abuse or neglect made

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to the Department in which it was not possible to complete an investigation within 60 days on the basis of information provided to the Department.

"Unfounded report" means any report of child abuse or neglect for which it is determined, after an investigation, that no credible evidence of the alleged abuse or neglect exists.

(Source: Amended at 22 Ill. Reg. 18847, effective OCT 01 1998)

Section 300.110 The Formal Investigative Process

a) Beginning the Formal Investigation

The formal investigation begins as soon as investigative staff make a determination following the initial investigation that there is reasonable cause to believe that child abuse or neglect exists. Any actions described below which were taken during the initial investigation need not be repeated. Any time frames listed in Section 300.90 which apply to the formal investigation mentioned below are retroactive to the beginning of the initial investigation.

b) Notifications During the Formal Investigation

1) During the first contact, after the formal investigation has begun, with the child's custodial parent, personal guardian, or legal custodian and the alleged perpetrator, the investigative staff shall notify them in writing that:

- A) the Department has received a report alleging abuse or neglect of their child; and
- B) the Department is legally mandated to investigate all child abuse or neglect reports; and
- C) information concerning the report has been entered into the Department's files; and
- D) the Department will work confidentially with them unless it becomes necessary to share information with authorized individuals or agencies as provided by law in 89 Ill. Adm. Code 431; and
- E) the subjects have the right of access to the information in the report with the exception of information which would identify the reporter or persons who cooperated in the investigation.

2) Department investigative staff shall not give Miranda warnings to alleged perpetrators.

c) Required Investigative Contacts

Investigative staff shall have direct, in-person contact with the alleged child victim, the alleged perpetrator, and the child's caretaker within seven days of the date the report was received, except in those situations noted in Section 300.110(d). If the subjects of the report do not speak the English language, an

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interpreter shall be obtained or a worker assigned who speaks the same language as the subjects of the reports.

d) Situations Where the Contact Requirement is Waived

- 1) In-person contact is not required when:
 - A) any subject of a child abuse or neglect report refuses to meet with or speak to the investigative worker; and
 - B) the worker has attempted to involve the local law enforcement agency or the State's Attorney, but this has failed to gain cooperation.
- 2) In-person contact is not required when it is documented that a child abuse or neglect subject is inaccessible.
- 3) In-person contact is not required when it is documented that the investigative worker has made a good faith attempt to locate the subjects of the report, but cannot, after a diligent search, locate them.

e) Collateral Contacts

The Department may make collateral contacts with persons other than the subjects of the report or the reporter to obtain further information regarding suspected child abuse or neglect. When determining whether collateral contacts should be made, the Department shall weigh:

- 1) the allegations contained in the report;
- 2) the severity of the incident; and
- 3) the likelihood that the collateral contact will have relevant information about the allegations or the incident.

f) Administrative Subpoenas

If a mandated reporter who is believed to have information about the subject of a report is not allowed or refuses to speak with or provide documents to a child protective service worker about the reported child or family, an administrative subpoena may be issued to obtain the necessary information. This applies regardless of whether the mandated reporter made the report being investigated. In addition, if a parent, personal guardian, legal custodian, or alleged perpetrator refuses to meet with or speak to a child protective service worker, a subpoena may be issued to obtain the necessary information.

g) Photographs and X-rays

1) Department investigative staff may take or obtain color photographs and x-rays of a child who is the subject of an abuse or neglect report when the child has observable marks or injuries believed to be caused by abuse or neglect. When the child's environment creates a substantial risk of injury or other harm, photographs may be taken of the child's environment.

2) If the child's parents, personal guardian, or legal custodian can be located, he or she shall be notified of the Department's intent to secure the photographs or x-rays.

h) Immunity from Liability

1) Any persons, institutions, or agencies shall have immunity from any liability if they, in good faith:

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- A) report suspected child abuse or neglect;
- B) assist in the investigation of a child abuse or neglect report;
- C) take temporary protective custody in accordance with Section 300.120; or
- D) take photographs or x-rays to substantiate the abuse or neglect report.

2) For purpose of any civil or criminal liability, a person's good faith in taking the above actions shall be presumed.

i) Final Determinations Regarding Child Abuse or Neglect

- 1) Investigative staff in their role as mandated reporters may add allegations of abuse or neglect or subjects to a report during the course of the investigation.
- 2) Upon completion of a formal investigation of abuse or neglect, investigative staff shall make a final determination as to whether a child was abused or neglected. This determination shall be based upon whether the information gathered from other persons during the investigation and the direct observations made by the investigative staff during the investigation constitute credible evidence of child abuse or neglect.
- 3) Allegations may be determined to be indicated, undetermined, or unfounded.

A) When credible evidence of abuse or neglect has been obtained pertinent to an allegation, the allegation is indicated.

i) If any allegation of child abuse or neglect is indicated, the report is indicated.

ii) Investigative staff shall not determine that a report is indicated based solely upon the existence of a prior unfounded report or reports.

iii) A court finding of child abuse or neglect shall be presumptive evidence that the report is indicated. If any allegation of child abuse or neglect is indicated, the report is indicated.

B) When credible evidence of abuse or neglect has not been obtained, the allegation is unfounded. If all allegations of child abuse or neglect are unfounded, the report is unfounded.

C) When investigative staff have been unable, for good cause, to gather sufficient facts to support a decision within 60 days of the date the report was received, the allegation shall be considered undetermined. Additional periods of 30 days shall then be permitted to complete the investigation, after which a determination shall be made. In the absence of credible evidence of abuse or neglect, the allegations and the report shall be designated unfounded.

D) Good cause for extending the period for making a determination an additional 30 days may include but is not limited to the following reasons:

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- i) State's attorneys or law enforcement officials have requested that the Department delay making a determination due to a pending criminal investigation.
- ii) Medical or autopsy reports needed to make a determination are still pending after the initial 60 day period.
- iii) The report involves an out-of-state investigation and the delay is beyond the Department's control.
- iv) Multiple alleged perpetrators or victims are involved necessitating more time in gathering evidence and conducting interviews.

(Source: Amended at 22 Ill. Reg. 18847, effective 06/01/1998)

Section 300.120 Taking Children Into Temporary Protective Custody

- a) Local law enforcement officers, Department investigative staff, and physicians treating a child may take temporary protective custody of a child without the consent of the persons ~~persons~~ responsible for the child's welfare, if they have reason to believe that:
 - 1) leaving the child in the home or in the care and custody of the child's caregiver presents an imminent danger to the child's life or health. The child shall not be taken into protective custody for the sole reason that the child was left with a relative, so long as the relative is willing to keep the child, and the Department has reason to believe that the relative can adequately and safely care for the child; and
 - 2) there is insufficient time to obtain a Juvenile Court order authorizing temporary custody.

- b) In addition to the above requirements, Department investigative staff shall ensure and document that reasonable efforts were made to prevent or eliminate the need to remove a child from the child's home. However, it may be that due to the individual circumstances of the family and the child's best interest, safety and well-being, no efforts reasonably can be made to maintain the child in the child's home. Reasonable efforts shall not be required if there exists any of the grounds for expedited termination of parental rights as described in 89 Ill. Adm. Code 309 (Adoption Services for Children for Whom the Department of Children and Family Services Is Legally Responsible). Such a determination that no efforts reasonably can be made must be documented. If no efforts reasonably can be made to safely prevent or eliminate the removal of the child, the child shall be taken into protective custody. ~~have--decided--that--in-home--services--would--not sufficiently--protect-the-child-before-Department-staff-take-temporary protective-custody-of-a-child-~~

- c) Local law enforcement officers or physicians who take temporary protective custody of a child must immediately notify the Department

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- d) of their action.
 - When taking temporary protective custody of a child or receiving a child who was taken into temporary protective custody by the local law enforcement officer or by a physician, Department investigative staff shall:
 - 1) immediately notify the State Central Register of this action;
 - 2) make every reasonable effort to notify the child's parents, personal guardian, legal custodian, and any relative caregiver from whom the child was removed, of the action;
 - 3) request that the Guardianship Administrator or designee authorize any ordinary medical care or treatment necessary for those children taken into temporary protective custody;
 - 4) if the child needs treatment of an emergency nature and the parent or guardian is unavailable or unwilling to provide consent, the physician or hospital shall be asked to proceed under the Consent by Minors to Medical Procedures Act (410 ILCS 210), which allows treatment to be given to minors without consent; and
 - 5) obtain a shelter care hearing under the provisions of the Juvenile Court Act within 48 hours, excluding Saturdays, Sundays, and holidays, in order to retain custody for more than 48 hours.

- e) At any time during the investigation, but no later than 30 days prior to the date of the scheduled adjudicatory hearing, the investigative worker shall request a legal screening to determine whether the State's Attorney should be asked to file a petition for expedited termination of parental rights, if:
 - 1) it becomes known that there is present one or more of the grounds for seeking expedited termination of parental rights described in 89 Ill. Adm. Code 309 (Adoption Services for Children For Whom the Department of Children and Family Services Is Legally Responsible), Section 309.50(d)(1) and (2); and
 - 2) the parents are unwilling to voluntarily surrender the child for adoption or consent to the adoption of the child by a specified person.

(Source: Amended at 22 Ill. Reg. 18847, effective 06/01/1998)

Section 300.160 Special Types of Reports

Four types of child abuse or neglect reports shall receive special attention as specified below:

- a) Incident Involving the Death of a Child
 - 1) The Department shall immediately contact the appropriate medical examiner or coroner, the local law enforcement agency, and the State's Attorney when there is reasonable cause to suspect that a child has died as a result of abuse or neglect. The child protective investigator assigned to the investigation shall

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require a copy of the completed autopsy report from the coroner or medical examiner.

- 2) The Department shall refer to the child death review teams described in Section 300.170 of this Part the death of any child who is:

- A) a child for whom the Department of Children and Family Services is legally responsible;
- B) a child being served in an open service case either by the Department or through purchase of service contracts with private agencies;
- C) the subject of a pending child abuse or neglect investigation; or
- D) a child who was the subject of an abuse or neglect investigation at any time during the 12 months immediately preceding the child's death;
- E) any other child whose death is reported to the State central register as a result of alleged child abuse or neglect if the report is subsequently indicated.

- 3) The Department shall cooperate with the work of the child death review teams by:

- A) providing to the team all records and case information relevant to the review, including records and information concerning all available previous reports or investigations of suspected child abuse or neglect.
- B) assisting the team in its review of the child's death. Other records and case information relevant to the review include:

- i) birth certificates;
- ii) all relevant medical and mental health records;
- iii) records of law enforcement agency investigations;
- iv) records of coroner or medical examiner investigations;
- v) records of the Department of Corrections concerning a person's parole;
- vi) records of a probation and court services department, and records of a social service agency that provided services to the child or the child's family;

- C) reporting on any follow-up interventions suggested by the team;

- D) providing follow-up on death review team cases where circumstances surrounding the death suggest other children may be at risk. Follow-up may include, but is not limited to:

- i) further investigation;
- ii) risk assessment;
- iii) grief counseling for other children in the family;
- iv) referrals for other services as appropriate;

- E) providing information and consultation regarding the juvenile court process and the availability of the court to protect or intervene with surviving siblings; and

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- F) assisting with making arrangements for the date, time, and location of team meetings.

- b) Reports Involving Child Care Facilities
Reports alleging abuse or neglect of children in child care facilities shall be made and received in the same manner as other reports. The appropriate supervisor or administrator at the facility shall be notified once the formal investigation has been commenced. Department licensing staff will be notified of all reports on licensed facilities upon commencement of the formal investigation. The Department shall advise the supervisor or administrator of their responsibility to take reasonable action necessary, based on all relevant circumstances and the allegations being investigated, to insure that the alleged perpetrator of the reported abuse or neglect is restricted from contact with children in the facility during the course of the formal investigation.

- c) Reports Involving Schools

When a report is received alleging abuse or neglect of a child by a school employee known to the child through the employee's official or professional capacity, the Department will take the following actions:

- 1) to the extent possible, conduct an investigation involving a teacher at a time when the teacher is not scheduled to conduct classes.
- 2) conduct investigations involving other school employees in such a way as to minimize disruption of the school day.
- 3) make reasonable efforts to conduct the initial investigation in coordination with the employee's supervisor, if the report does not involve allegations of sexual abuse or extreme physical abuse.
- 4) when a report of alleged abuse involving a teacher occurred in the course of the teacher's efforts to maintain safety for other students, determine whether the teacher used reasonable force in accordance with rules established by the local board of education as authorized by the School Code (105 ILCS 5).
- 5) advise school officials that they may, in accordance with the School Code (105 ILCS 5), withhold from any person, information on the whereabouts of any child removed from school premises, when the child has been taken into protective custody as a victim of suspected child abuse and that they may direct persons seeking information to the Department or to the local law enforcement agency.
- 6) advise school employees accused of child abuse or neglect of their due process rights, of the steps in the investigative process, and that they may have their superior, association or union representative, and attorney present at any interview or meeting at which the school employee is present.
- 7) prior to indicating a report involving a school employee, the

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Department will take the following steps:

- A) send the employee a copy of the investigative file with identifying information deleted. Any materials and evidence submitted to the Department subsequent to sending the employee a copy of the investigative file shall be sent to the employee upon receipt by the Department;
 - B) allow the school employee, prior to the final finding, an opportunity to:
 - i) present evidence to the contrary regarding the report; and
 - ii) request an informal conference at which the employee may present the additional evidence and/or, subject to the discretion of the Department, confront the accuser, provided the accuser is 14 years of age or older.
- 8) If an informal conference is requested, the Department shall schedule the conference after receipt by the employee of the copy of the investigative file, and shall:
- A) conduct the conference in a neutral setting away from the school grounds during hours when school is not in session, unless requested otherwise by the school employee;
 - B) notify the following persons of the conference, if the purpose of the conference is merely to submit additional evidence:
 - i) the school employee and representative
 - ii) representative(s), Department representatives including the investigative worker;
 - C) notify the following additional persons if the employee wishes to confront the accuser and the Department has approved such a confrontation:
 - i) the accuser, provided the accuser is 14 years of age or older, and the accuser's parents parent(s), guardian and/or representative of a Child Advocacy Center, when involved in the case. (The accuser is the person who has made the allegation of abuse or neglect. The accuser is not necessarily the same as the reporter.)
 - ii) representatives of the State's Attorney's Office or law enforcement agency in the county where the alleged incident occurred, when the State's Attorney's Office or law enforcement agency are currently involved in the investigation and/or are considering filing criminal charges in the case.
 - iii) persons identified by the employee who have information relevant to the report, who will be included in only those portions of the conference pertaining to their testimony;

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- D) following the conference, allow the school employee at least five calendar days to present additional evidence to the Department;
 - E) make a final determination with regard to the report in accordance with Section 300.110 of this Part.
- 9) No such conference will be allowed when there is a criminal investigation pending and the Department has been advised by law enforcement authorities or the State's Attorney not to allow a face-to-face confrontation between the accused and the accuser.
- 10) When determining whether to allow the school employee to confront an accuser who is 14 years or older, the Department shall take the following into consideration:
- A) whether, due to the nature of the allegation, a confrontation with the accused school employee would cause excessive trauma to the child, and
 - B) whether the child has a documented history of mental, emotional or developmental problems.
- 11) The Department shall inform the child and the child's parents parent(s) in writing prior to the conference and orally at the conference that:
- A) they may decline to attend or proceed with the conference, and
 - B) if they do attend, they may refuse to answer any questions posed, and
 - C) if the child attends, he or she has the right to have an attorney or other person representing his or her interests present at the conference, in addition to his or her parents parent(s) or guardian.
- 12) Child's or parent's refusal to attend a conference or to answer questions shall not be grounds for unounding an otherwise credible report.
- 13) All proceedings shall be confidential and no statement, summary, transcript, recording or other investigative product shall be released except on written order of the court, or in compliance with the confidentiality provisions of the Abused and Neglected Child Reporting Act. Violations of these provisions is a Class A misdemeanor (iii--Rev--Stat--19917-ch-237-par-2061-ii) [325 ILCS 5/11.11].
- 14) Whether or not an informal conference has been conducted, the school employee retains all other appeal rights provided in the Abused and Neglected Child Reporting Act (iii--Rev--Stat--19917-ch-237-par-2057-16) [325 ILCS 5/7.16] and 89 Ill. Adm. Code 3367 [Appeal of Child Abuse and Neglect Investigation Findings].
- d) Reports Involving State Facilities and State Employees Acting in Their Official Capacity
When reports are received alleging abuse or neglect of children by any State of Illinois Department or any State employee acting in his or her official capacity, the report-taker will immediately notify the

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Director of the Department or designee. The Director or designee will transmit the details of the report to the Division of Internal Investigation, Illinois Department of State Police.

(Source: Amended at 22 Ill. Reg. 18847, effective 01-01-1998)

Section 300.170 Child Death Review Teams

- a) The Director of the Department shall appoint a child death review team in each subregion of the Department outside Cook County and at least one child death review team in Cook County.
- b) Every child death shall be reviewed by the team in the Department subregion that has primary case management responsibility when the deceased child meets one of the criteria described in Section 300.160(a)(2) of this Part. The child death review team may, at its discretion, review other sudden, unexpected, or unexplained child deaths.

c) The purposes of the child death reviews are to:

- 1) assist in determining the cause and manner of the child's death, when requested;
- 2) evaluate means by which the death might have been prevented;
- 3) report its findings to appropriate agencies;
- 4) make recommendations that may help to reduce the number of child deaths caused by abuse or neglect;
- 5) promote continuing education for professionals involved in investigating, treating, and preventing child abuse and neglect as a means of preventing child deaths due to abuse or neglect; and

6) make specific recommendations to the Director and the Inspector General of the Department of Children and Family Services concerning the prevention of child deaths due to abuse or neglect and the establishment of protocols for investigating child deaths. [20 ILCS 515/20(b)]

d) A child death review team shall review a child death as soon as practical upon receiving notification from the Department and not later than 90 days following the completion by the Department of the investigation of the death. When there has been no investigation by the Department, the child death review team shall review a child's death within 90 days after obtaining the information necessary to complete the review from the coroner, pathologist, medical examiner, or law enforcement agency, depending on the nature of the case. [20 ILCS 515/20(c)]

e) Following the review, the team shall forward its recommendations, on forms provided by the Department, to the Director of the Department.

f) The Director shall, within 90 days, review and reply to recommendations made by a team pursuant to subsection (c)(6) of this Section. The Director shall implement recommendations as feasible and

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appropriate and shall respond in writing to the death review team to explain the implementation or nonimplementation of the recommendations. [20 ILCS 515/20(d)]

g) A child death review team shall have access to all records and information that are relevant to the team's review of a child's death and in the possession of a State or local government agency. [20 ILCS 515/25(b)] Other records and case information relevant to the review include:

- 1) birth certificates;
- 2) all relevant medical mental health records;
- 3) records of law enforcement agency investigations;
- 4) records of coroner or medical examiner investigations;
- 5) records of the Department of Corrections concerning a person's parole;
- 6) records of a probation and court services department, and records of a social service agency that provided services to the child or the child's family.

(Source: Amended 01-01-1998 22 Ill. Reg. 18847, effective

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- 1) Heading of the Part: Procedures to be Followed in the Performance of Inspections of Motor Vehicle Emissions

- 2) Code Citation: 35 Ill. Adm. Code 276

<u>Section Numbers:</u>	<u>Adopted Action:</u>
276.101	Amended
276.102	Amended
276.103	New Section
276.104	New Section
276.201	Amended
276.202	Amended
276.203	Amended
276.204	Amended
276.205	Amended
276.207	New Section
276.208	New Section
276.209	New Section
276.312	New Section
276.401	Amended
276.403	Amended
276.404	New Section
276.501	Amended
276.502	Amended
276.503	Amended
276.504	Amended
276.505	New Section
276.506	New Section
276.507	New Section
276.508	New Section
276.601	Amended
276.602	Amended
276.603	Amended
276.605	New Section
276.606	New Section
276.607	New Section
276.701	Amended
276.702	Amended
276.703	Amended
276.704	Amended
276.803	Amended
276.901	Amended
276.902	Amended
276.903	Amended
276.TABLE A	New Section
276.TABLE B	New Section

- 4) Statutory Authority: Environmental Protection Act [415 ILCS 5/27 (1996)],

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- and Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/13B (1996)], as amended.

- 4) Effective Date of Amendments: September 28, 1998

- 6) Does this amendment contain in automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? Yes

- 8) A copy of the adopted amendment, including the materials incorporated by reference, is on file in the Illinois Environmental Protection Agency's principal office and is available for public inspection.

- 9) Notice(s) of Proposal Published in Illinois Register: July 24, 1998, 22 Ill. Reg. 13333

- 10) Has JCAR issued a Statement of Objections to this (these) rule(s)? No

- 11) Difference(s) between proposal and final version: The following changes were made during the first notice or public comment period in response to public and JCAR comments:

1. Various typographical, grammatical, and form changes were made, as well as corrections to various references.

2. In Section 276.102, the strikeout from the sentence: "Span gas" means a gas of known concentrations which is used to check or adjust the analyzer response characteristics to those determined by the calibration gases." was removed.

3. In Section 276.204(e)(2), the requirement of second chance test loaded mode preconditioning on a dynamometer was restricted to Official Inspection Stations and only those Private Official Inspection Stations which are equipped with dynamometers.

4. In Section 276.209(a), the text describing the instructions to be given to a motorist concerning on-board diagnostics was eliminated, since it is incorporated into the information incorporated by reference in the rule.

5. In Section 276.502(f), a detailed description of the calibration requirements was inserted for clarity.

6. In Section 276.506(b), the description of the analytical instrument specifications and measurement of NO[x] was replaced with a more complete description.

7. In Section 276.701(b), an exception from Enhanced I/M idle test

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equipment requirements for current fleet self-testers was inserted, which allows such testers to continue to use current idle exhaust test equipment to test vehicles required to receive an idle test, for a period of five years after initiation of the Enhanced I/M testing program.

8. In Section 276.702, a new paragraph (c) was eliminated as redundant.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendments: These adopted amendments add to and/or modify current requirements for vehicle emission testing procedures and equipment. These changes were needed to allow the State to meet the requirement under the federal Clean Air Act [42 USC 7401 et seq.] to establish and operate an "Enhanced" vehicle inspection and maintenance program. Specific, significant elements of the adopted amendments include: modifications and additions to test equipment specifications, maintenance, and calibration requirements; additions and modifications to test procedures; modification of waiver requirements; and addition of economic hardship extension procedures.

16) Information and questions regarding these adopted amendments shall be directed to:

Christopher P. Demeroukas, Assistant Counsel
Illinois Environmental Protection Agency
Division of Legal Counsel
1021 North Grand Avenue, East
P.O. Box 19276
Springfield, Illinois 62702
217/782-5544

The full text of the Adopted Amendments begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE B: AIR POLLUTION
CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 276

PROCEDURES TO BE FOLLOWED IN THE
PERFORMANCE OF INSPECTIONS OF
MOTOR VEHICLE EMISSIONS

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Purpose and Applicability
Definitions
Abbreviations
Incorporations by Reference

SUBPART B: VEHICLE EMISSIONS INSPECTION PROCEDURES

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General Description of Vehicle Emissions Inspection Procedures
Pollutants to be Tested - Exhaust Test
Dilution - Steady-State Idle Exhaust Test
Steady-State Idle Exhaust Emissions Test Procedures
Evaporative System Integrity Test Procedures
Engine and Fuel Type Modifications
Transient Loaded Mode Exhaust Emissions Test Procedures
On-Road Remote Sensing Test Procedures
On-Board Diagnostic Test Procedures

SUBPART C: STICKER OR CERTIFICATE ISSUANCE, DISPLAY, AND POSSESSION

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General Requirements
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Initial Emissions Inspection Stickers or Certificates
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Waiver Emissions Inspection Stickers or Certificates
Emissions Inspection Sticker and Certificate Display and Possession
Change of Assigned Test Month
Economic Hardship Extension Stickers or Certificates

SUBPART D: WAIVER AND ECONOMIC HARDSHIP EXTENSION REQUIREMENTS

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Section	Waiver General Requirements
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276.402	Denial or Issuance of Waiver
276.403	Economic Hardship Extension Requirements
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SUBPART E: TEST EQUIPMENT SPECIFICATIONS

Section	General Requirements
276.501	Steady-State Idle Exhaust Test Analysis Systems Functional Requirements
276.502	Steady-State Idle Exhaust Test Analysis Systems Performance Requirements
276.503	Steady-State Idle Exhaust Test Analysis Systems Performance Criteria
276.504	Steady-State Idle Exhaust Test Analysis Systems Performance Criteria
276.505	Steady-State Idle Exhaust Test Analysis Systems Performance Criteria
276.506	Steady-State Idle Exhaust Test Analysis Systems Performance Criteria
276.507	Steady-State Idle Exhaust Test Analysis Systems Performance Criteria
276.508	Steady-State Idle Exhaust Test Analysis Systems Performance Criteria

SUBPART F: EQUIPMENT MAINTENANCE AND CALIBRATION

Section	Steady-State Idle Test Equipment Calibration
276.601	Steady-State Idle Test Equipment Calibration
276.602	Steady-State Idle Test Equipment Calibration
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SUBPART G: FLEET SELF-TESTING REQUIREMENTS

Section	General Requirements
276.701	Fleet Inspection Permit
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276.703	Private Official Inspection Station Auditing and Surveillance
276.704	Fleet Vehicle Inspection Procedures (Renumbered)
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SUBPART H: GRIEVANCE PROCEDURE

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Section	General Requirements
276.801	Procedure for Filing Grievance
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SUBPART I: NOTICES

Section	General Requirements
276.901	Initial Emissions Inspection Notice
276.902	Warning Notice
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SUBPART J: RECIPROCITY WITH OTHER JURISDICTIONS

Section	Requirements for Vehicles Registered in Affected Counties and Located in Other Jurisdictions Requiring Vehicle Emissions Inspection
276.1001	Requirements for Vehicles Registered in Other Jurisdictions Requiring Vehicle Emissions Inspection and Located in an Affected County
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276.1003 Transient Driving Cycle

276.1004	Fast-Pass Speed Variation Limits Using Positive Kinetic Energy (PRE) Measurements
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AUTHORITY: Implementing and authorized by the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B].

SOURCE: Adopted at 10 Ill. Reg. 13954, effective August 13, 1986; amended at 16 Ill. Reg. 10230, effective June 15, 1992; amended at 18 Ill. Reg. 8456, effective June 15, 1996; amended at 22 Ill. Reg. 18867, effective June 15, 1998.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; "INT" means the integral symbol as used in mathematics, and "SUM" means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS

Section 276.101 Purpose and Applicability

a) Purpose

This Part establishes specific procedures to be followed in the performance of inspections of motor vehicle emissions.

b) Applicability

The provisions of this Part necessary for the implementation of the

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Enhanced I/M testing program mandated by the Vehicle Emissions Inspection Law of 1995 shall be implemented upon initiation of the Enhanced I/M testing program, scheduled to begin December 1, 1998.

(Source: Amended at 22 Ill. Reg. 108.67, effective 3/28/1998)

Section 276.102 Definitions

a) Except as hereinafter stated and unless a different meaning of a term is clear from its context, the definitions of terms used in this Part shall be the same as those used in the Environmental Protection Act [415 ILCS 5]-the-Vehicle-Emissions-Inspection-Law--625--5/68--5/68-13A7, and the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B).

b) The following definitions apply to this Part part:

"Accuracy" means the combination of bias and precision errors, technically defined as uncertainty, that quantifies quantify the differences between a measured and true value.

"Adjusted loaded vehicle weight (ALVW)" means the vehicle curb weight plus the gross vehicle weight rating divided by two.

"Affected county" means any county or portion thereof, as defined in Section 13B-5 of the Vehicle Emissions Inspection Law of 1995 13A-102-of-the-Vehicle-Emissions-Inspection-Law-625-5/68-5/13A7.

"Agency"-means-the-Illinois-Environmental-Protection-Agency-

"Assigned test month" means the month and year allocated by the Agency for testing a vehicle. The first day of the "Assigned Test Month" shall be 4 months prior to the sticker or certificate "Expiration Date".

"Calibration gas" means a gas of known concentration used to establish the response curve of the exhaust gas analyzer.

"Corrected or interim emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.308 of this Part that contains a reassigned vehicle test month issued to the owner(s) an-owner of a vehicle subject to emissions inspection who has petitioned the Agency for a change in Assigned Test Month, and whose vehicle has previously been issued an Initial Emissions Inspection Sticker or Certificate with an Assigned Test Month.

"Drift" means the amount of change in analyzer reading over a

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period of time. Zero drift refers to the change of zero reading. Span drift refers to a change in the reading at a specified span gas calibration point.

"Economic hardship extension" means a time extension of one year that may be granted to the owner(s) of a vehicle in order for the owner(s) to comply with the requirements of the Vehicle Emissions Inspection Law of 1995.

"Emission control devices" means those components of a vehicle which were designed and are used to control vehicle exhaust and evaporative system emissions. For the purpose of this Part, this term refers to components with which the vehicle was originally equipped or direct replacements.

"Equivalent test weight" means the loaded vehicle weight for light duty vehicles and light duty trucks 1, and the adjusted loaded vehicle weight for light duty trucks 2 and heavy duty trucks.

"Evaporative system integrity test" means a test of the fuel cap portion of a vehicle's evaporative system, which consists of either a fuel cap leak flow test, a fuel cap pressure decay test, or a fuel cap visual functional test, as applicable. The test shall either consist of a leak-flow-rate-check-of-a-vehicle's fuel-cap-with-a-fuel-cap-leak-flow-tester-fuel-cap-leak-flow test--or--a-visual-functional-check-of-the-fuel-cap--as applicable.

"Exempt emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.305 of this Part to the owner(s) an-owner of a vehicle registered in an Affected County which is exempt from emissions inspection pursuant to Section 13B-15(f) or 13B-15(g) of the Vehicle Emissions Inspection Law of 1995, and the requirements of this Part.

"Exhaust gas analyzer" means a device that has the capability to identify unknown concentrations of particular constituents in motor vehicle exhaust gases by comparison with known concentrations of analytical gases.

"Expiration date" means the deadline for having a vehicle inspected and obtaining the appropriate sticker or certificate.

"Fleet inspection permit" means a permit issued to fleet self-testers in accordance with Subpart G.

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"Fleet inventory" means those vehicles which have been registered with the Agency for the purpose of fleet self-testing and which have been assigned a test month.

"Fleet vehicle" means any non-exempt vehicle registered with the Agency for the purpose of fleet self-testing.

"Fuel cap" means a device used to seal a vehicle's fuel inlet.

"Fuel cap leak flow test" means a the test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap leak flow tester to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Fuel cap leak flow tester (fuel cap tester)" means a device used to determine the leak flow integrity of a vehicle's fuel cap by comparing the measured leak flow of the fuel cap with an established fuel cap leak flow standard.

"Fuel cap pressure decay test" means the test performed in accordance with this Part on a vehicle's fuel cap using a fuel cap pressure decay tester to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Fuel cap pressure decay tester" means a device used to determine the pressure decay integrity of a vehicle's fuel cap by monitoring the pressure behind the fuel cap for a 10 second period and comparing the measured pressure decay of the fuel cap to an established fuel cap pressure decay standard.

"Fuel cap visual functional test" means the test performed in accordance with this Part on a vehicle's fuel cap using visual analysis to determine whether the vehicle complies with the evaporative system emission standards of 35 Ill. Adm. Code 240.

"Gross vehicle weight rating (GVWR)" means the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

"HC hangup" means hydrocarbons which cling to the surface of the analyzer gas sampling stream causing errors in hydrocarbon readings.

"Heavy duty vehicle (HDV)" means a motor vehicle rated at more than 8500 pounds GVWR or that has a vehicle curb weight of more than 6000 pounds or that has a basic vehicle frontal area in

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excess of 45 square feet.

"High idle" means a vehicle operating condition with engine disconnected from an external load (placed in either neutral or park) and operating at a speed of 2500 ± 300 RPM.

"Household income" means the gross income of all household members, except wage or salary income earned by dependent minors under 18 years of age. A head of household and his or her spouse are not considered as minors. Gross income includes wages, interest, annuities, pensions, social security, retirement, disability, public aid, alimony, child support, unemployment benefits, workers' compensation, and any other indirect income such as utility allowances.

"Idle mode" means that portion of a vehicle emission test procedure conducted with the engine disconnected from an external load and operating at minimum throttle.

"Initial emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.304 of this Part to the owner(s) of a vehicle that has not been tested because such vehicle was not previously subject to inspection, but has become subject to inspection in accordance with the Vehicle Emissions Inspection Law of 1995 (625--1/269--57 Ch--13A).

"Initial idle mode" means the first of up to two idle mode sampling periods during a steady-state idle mode test, during which exhaust emission measurements are made with the vehicle in "as-received" condition.

"Interference" means those exhaust gas analyzer read-out errors caused by instrument response to non-interest gases typically occurring in vehicle exhaust.

"Light duty truck 1 (LDT1)" means a motor vehicle rated at 6,000 pounds maximum GVWR or less and which has a vehicle frontal area of 45 square feet or less, and which is designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty truck 2 (LDT2)" means a motor vehicle rated between 6,001 and 8,500 pounds maximum GVWR and which has a vehicle frontal area of 45 square feet or less, and which is designed

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primarily for purposes of transportation of property or is a derivation of such a vehicle, or is designed primarily for transportation of persons and has a capacity of more than 12 persons, or is available with special features enabling off-street or off-highway operation and use.

"Light duty vehicle (LDV)" means a passenger car or passenger car derivative capable of seating 12 passengers or fewer.

"Loaded vehicle weight" means the vehicle curb weight plus 300 pounds.

"Low income" means the household income during the preceding 12 month period was not more than 150 percent of the latest available poverty guidelines established by the U.S. Department of Health and Human Services for the contiguous United States and the District of Columbia.

"Malfunction indicator light (MIL)" means the light found on the dashboard of OBD-equipped vehicles that is required to be illuminated when the OBD system detects malfunctions.

"National Institute of Standards and Technology (NIST) gas" means a standard gas maintained or made available by the National Institute of Standards and Technology for the purpose of determining the accuracy of calibration gases.

"Non-exempt vehicle" means any vehicle subject to emission inspections, regardless of whether the vehicle is in a certified configuration, under the Vehicle Emissions Inspection Law of 1995 (625-1b65-5/-647-13A).

"Non-fleet vehicle" means any non-exempt vehicle except for vehicles registered with the Agency for the purpose of fleet self-testing.

"Official inspection station" means a vehicle emission inspection facility operated by the Agency or the Agency's Contractor for the purpose of conducting emission inspections on non-fleet vehicles.

"On-board diagnostic (OBD) system" means equipment designed to monitor the performance of emission control equipment, fuel metering systems, ignition systems and other equipment and operating parameters for the purpose of detecting malfunctions or deterioration in performance that would be expected to cause the vehicle to exceed federal emission standards.

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"On-board diagnostic test" means the scanning of stored trouble codes in the OBD system to determine if any emission related trouble codes are present and if the MIL is commanded to be on, which would indicate ~~malfunction~~ of an emission related malfunction with the vehicle.

"On-road remote sensing test" means the observation, measurement, and recording of vehicle exhaust emission concentrations of hydrocarbons (HC), carbon monoxide (CO), and carbon dioxide (CO₂) present in each in-use vehicle while traveling on roadways or in specified areas by equipment that is not connected to the vehicle.

"Preconditioning mode" means a period of steady-state loaded mode or high-idle operation conducted to ensure that the engine and emissions control system components are operating at normal operating temperatures, thus minimizing false failure caused by improper or insufficient warm-up.

"Private official inspection station" means a vehicle emission inspection facility operated by a registered owner or lessee of ~~fifteen~~ 15+ or more ~~passenger~~ vehicles.

"Recognized repair technician" means a person professionally engaged in vehicle repair, employed by a going concern whose purpose is vehicle repair, or possessing nationally recognized certification for emission related diagnosis and repair.

"Renewal emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.306 of this Part to an owner ~~of a vehicle~~ which successfully passes a vehicle emissions test in accordance with the provisions of this Part.

"Second-chance idle mode" means the second of two idle mode sampling periods during a steady-state idle mode test, preceded by a preconditioning mode and utilized as a second chance to pass idle exhaust emission standards immediately following an initial idle mode failure.

"Span gas" means a gas of known concentrations which is used to check or adjust the analyzer response characteristics to those determined by the calibration gases. ~~Span-gas-used-shall-be-a blended-gas-containing-propane,-carbon-monoxide-and-carbon dioxide-in-nitrogen-meeting-the-following-specification:~~

~~low-range-gas~~

~~HC:--200---800-ppm~~

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EE:--1-0---2-0%
 EE{2}:-6---10%

High-range-gas:

HE:--00%-of-full-scale+-5%
 EE:--00%-of-full-scale+-5%
 EE{2}:-6---10%

"State-inspector" means an Agency employee who is authorized to conduct waiver inspections and approve or disapprove applications for waiver.

"Steady-state idle test" means a vehicle emission test procedure consisting of an initial idle mode measurement of exhaust emissions followed, if necessary, by a loaded or high idle preconditioning mode and a second-chance idle mode.

"Temporary emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.307 of this Part to an owner of a vehicle subject to inspection which currently has a valid initial or renewal emission inspection sticker or certificate, and which has met the requirements of this Part.

"Test cycle" means the two-year period between a vehicle's Assigned Test Months.

"Vehicle curb weight" means the actual vehicle weight plus standard equipment and a full fuel tank.

"Vehicle inspection report" means a report issued to the motorist indicating the results of an emission inspection or waiver determination.

"Visual functional test" means a visual examination of a vehicle's fuel cap for any readily apparent wear, tampering, or defects which would prevent the fuel cap from operating properly.

"Waiver" means a suspension of the requirement that a non-exempt vehicle comply with exhaust emission standards after two or more attempts to do so, as provided for in this Part.

"Waiver emissions inspection sticker or certificate" means a sticker or certificate issued in accordance with Section 276.309 of this Part to the owner(s) of a vehicle which has failed a vehicle emissions test and at least one retest, but successfully complies with the applicable waiver requirements of this Part.

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"Waiver inspection" means an inspection conducted by a waiver inspector State-inspector to determine waiver eligibility.

"Waiver inspector" means a person authorized by the Agency to conduct waiver inspections and to approve or disapprove applications for a waiver.

"Waiver inspection report" means a form containing waiver eligibility requirements which is completed by a waiver inspector State-inspector to determine whether a vehicle is eligible for a waiver.

(Source: Amended at 22 Ill. Reg. 18880, effective SEP 28 1998)

Section 276.103 Abbreviations

Abbreviations used in this Part include the following:

ALVM	adjusted loaded vehicle weight
cc/min	cubic centimeters per minute
CO	carbon monoxide
CO{2}	carbon dioxide
CFV	critical flow venturi
CVS	constant volume sampler
gpm	grams per mile
GWR	gross vehicle weight rating
HC	hydrocarbons, as hexane
HDV	heavy duty vehicle
hr	hour
I/M	inspection and maintenance
kW	kilowatt
LDT1	light duty truck 1
LDT2	light duty truck 2
LDV	light duty vehicle
LVM	loaded vehicle weight
mi	mile, miles
MIL	malfunction indicator light
NDIR	non-dispersive infrared
NIST	National Institute for Standards and Technology
NO	nitrogen oxide
NO{x}	oxides of nitrogen
NO{2}	nitrogen dioxide
OB	on-board diagnostics
ppm	parts per million by volume
ppmC	parts per million, carbon
psi	pounds per square inch
RPM	revolutions per minute

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SDM source detector module
SE standard error of estimate
SSV subsonic venturi

(Source: Added 22 Ill. Reg. 18867, effective SEP 28 1998)

Section 276.104 Incorporations by Reference

The following materials are incorporated by reference and include no later editions or amendments:

- a) United States Environmental Protection Agency (USEPA), "IM240 and Evaporative Test Guidance: 1998 Revised Technical Guidance," Report EPA-AA-RSPD-IM-98-1 (Draft), 2565 Plymouth Road, Ann Arbor MI 48105 (March 1998).

NOTE: Sections of this Guidance are referenced as though they are sections of 40 CFR 85.

- b) United States Environmental Protection Agency (USEPA), "High-Tech I/M Test Procedures, Emission Standards, Quality Control Requirements, and Equipment Specifications: IM240 and Functional Evaporative System Tests, Revised Technical Guidance," Report EPA-AA-RSPD-IM-96-1 (Draft), 2565 Plymouth Road, Ann Arbor MI 48105 (June 1996).

NOTE: Sections of this Guidance are referenced as though they are sections of 40 CFR 85.

- c) 40 CFR 85.2221, 85.2223, and 85.2231 (63 FR 24429, 24433-24434 (May 28, 1998)).

- d) 40 CFR 51.353(c) and 51.358(c) (July 1, 1997).

(Source: Added 22 Ill. Reg. 18867, effective SEP 28 1998)

SUBPART B: VEHICLE EMISSIONS INSPECTION PROCEDURES**Section 276.201 General Description of Vehicle Emissions Inspection Procedures**

Compliance with vehicle exhaust, and evaporative emissions, on-board diagnostics, and on-road sensing standards shall be determined by use of test procedures and other requirements as applicable as set forth in this Part Section 276.204, Section 276.205, and Section 276.206.

(Source: Amended at 22 Ill. Reg. 18867, effective SEP 28 1998)

Section 276.202 Pollutants to be Tested - Exhaust Test

Vehicle exhaust emission inspections shall consist of sampling vehicle tailpipe emissions concentrations of hydrocarbons+ HC, as-hexane+carbon-monoxide+CO, and-carbon-dioxide+ CO(2), and NO(x) (if applicable).

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(Source: Amended 22 Ill. Reg. 18867, effective SEP 28 1998)

Section 276.203 Dilution - Steady-State Idle Exhaust Test

To prevent excess dilution in a steady-state idle an exhaust emissions test described in Section 276.204, the sample probe shall be inserted a minimum of ten+ 10+ inches into the vehicle's tailpipe. Extension boots shall be utilized if it is impossible to insert the sample probe at least ten+ 10+ inches into the tailpipe. A vehicle emission test shall be invalid if the applicable emission standards contained in 35 Ill. Adm. Code 240 are met but the sum of the CO carbon-monoxide and CO(2) carbon-dioxide concentrations in the exhaust gas does not exceed 6 percent + during the sample averaging period(s).

(Source: Amended at 22 Ill. Reg. 18867, effective SEP 28 1998)

Section 276.204 Steady-State Idle Exhaust Emissions Test Procedures

- a) Steady-State Idle Test

1) Test Description
The steady-state idle test with loaded preconditioning may be substituted for the transient loaded mode exhaust gas analysis for those vehicles identified in Section 13B-25(c) and (d) of the Vehicle Emissions Inspection Law of 1995. The steady-state idle test with loaded preconditioning consists of a first-chance idle mode test followed, if necessary, by a second-chance test. The second-chance test consists of a loaded preconditioned mode using a dynamometer, or a high idle preconditioned mode while in neutral or park, followed immediately by an idle mode.

- 2) Engine Re-Start

In addition to the test procedures of this Section, the engines of 1981-1987 model year Ford Motor Company vehicles and 1984-1985 model year Honda Preludes must be shut off for not more than 10 ten seconds and restarted prior to initiating the idle mode of the second-chance test. The probe shall be removed from the tailpipe or the sample pump turned off if necessary to reduce analyzer fouling during the restart procedure.

- b) General Requirements

1) Initial tests (i.e., those occurring for the first time in a vehicle's scheduled test cycle) shall be performed without repair or adjustment at the inspection facility prior to the test.

2) Tests shall be performed with Agency-approved equipment that has been calibrated according to the quality procedures contained in Section 276.602 of this Part.

3) Vehicles with apparent leaks of fuel, oil, coolant, or exhaust shall not be tested.

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4)3) Vehicles with missing tail pipe sections which would prohibit full insertion of an analyzer probe shall not be tested.

5)4) Vehicles shall be tested with their engines and emissions control systems at normal operating temperatures and not overheating (as indicated by gauge, temperature lamp, touch test on the radiator hose, and/or boiling radiator).

6)5) Vehicles shall be tested without any accessories in operation.

7)6) Vehicles must be operated during each mode of the test with the gear selector in the position described as follows: vehicles shall be tested with their transmissions in neutral or park.

A) in drive for automatic transmissions and in second (or third if more appropriate) for manual transmissions for the loaded preconditioning mode; and

B) in neutral or park for the idle mode test and the high idle preconditioning mode.

8)7) For vehicles with multiple tailpipes, separate test results from each tailpipe shall be numerically averaged for each pollutant sampled unless equipment capable of simultaneously sampling multiple tailpipes is utilized.

9) Vehicles subject to loaded mode preconditioning under subsection (e)(2)(B)(i) of this Section shall be rejected from testing if drive axle tires:

A) exhibit visible cords, belts, bubbles, cuts, or other damage, or

B) are space-saver spare tires, or

C) are not reasonably sized.

10) Vehicles subject to loaded mode preconditioning under subsection (e)(2)(B)(i) of this Section shall have their drive axle tires inspected for proper inflation. If the air pressure of one or more of these tires appears low, it shall be inflated to approximately 30 psi, or to tire sidewall pressure, or manufacturer's recommendations.

c) Procedures

1) The analysis of exhaust gas concentrations must begin 10 ten seconds after the applicable test mode begins.

2) Exhaust gas concentrations must be analyzed at a minimum rate of once every 0.75 second.

3) The measured value for the pass/fail determination shall be a simple running average of the measurements taken over 5 five seconds.

4) When used for loaded mode preconditioning, the dynamometer must be warmed up, in stabilized operating condition, adjusted, and calibrated in accordance with the procedures contained in Section 276.603 of this Part. Prior to each test, variable-curve dynamometers must be checked for proper setting of the road-load indicator or road-load controller.

5)4) With the exception of those vehicles specified in subsections (c)(6) and (c)(7) of this Section subsection--(e)5), the

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tachometer must be attached to the vehicle in accordance with the analyzer manufacturer's instructions.

6)5) Vehicles that cannot continuously meet the engine speed requirements of subsection (e)(1)(B) of this Section within 30 seconds after initiation of the first-chance test shall be rejected upon verification of the proper operation and placement of the tachometer. If it is determined that the operation or placement of the tachometer is faulty, immediate corrective action shall be taken and the vehicle shall be retested in accordance with subsection (e) of this Section.

7) For 1996 and newer model year LDVs, LDTs, and LDTs, the OBD data link connector shall be used to monitor RPM. In the event that an OBD data link connector is not available or that an RPM signal is not available over the data link connector, a tachometer shall be used instead.

8)6) If the engine or vehicle speed, as applicable, falls outside the limits specified in subsections (e)(1)(B), (e)(2)(B)(i) (e)(2)(B)(ii), (e)(2)(B)(iii) or (e)(2)(C) of this Section, as applicable, for more than 5 five seconds in any one excursion, or 15 seconds over all the excursions within a test mode, the mode timer shall be reset to zero and the mode restarted 7--the-mode timer--resets-to-zero-and-resumes-timing.

9)7) For vehicles whose design prevents the monitoring of the engine rpm rate with a tachometer, the engine speed requirements of subsections (e)(1)(B), (e)(2)(B), and (e)(2)(C) of this Section shall not apply. The preconditioning mode of a second-chance idle test shall consist of accelerating the vehicle's engine to an estimated rate of 2500 rpm for a period of 30 seconds prior to initiating a second-chance idle mode test.

10)8) The sample probe must be inserted into the vehicle's tailpipe to a minimum depth of 10 inches. If the vehicle's exhaust system prevents insertion to this depth, a tailpipe extension must be used.

11)9) The measured concentration of CO plus CO[2] must be greater than or equal to 6 percent (6%) or the vehicle will be rejected.

12)10) If a vehicle's vehicles-whose engine stalls at any time during the test sequence, the test shall be aborted and restarted rejected. If after 3 attempts the test cannot be completed, the vehicle shall be rejected.

d) Pass/Fail Determination

A pass or fail determination is made for each applicable test mode based on a comparison of the test standards contained in 35 Ill. Adm. Code 240.152 240-124 with the measured value for hydrocarbons+HC and carbon-monoxide+CO as described in subsection (c) of this Section. A vehicle passes the test mode if any pair of simultaneous measured values for HC and CO are below or equal to the applicable test standards. A vehicle fails the test mode if the values for either HC or CO, or both, in all simultaneous pairs of values are

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above applicable standards.

e) Test Sequence

The steady-state idle test consists of a first-chance test and a second-chance test. The first-chance test consists only of an idle mode. The second-chance test consists of a preconditioning mode followed immediately by an idle mode, and is performed only if the vehicle fails the first-chance test.

1) First-Chance Test

A) The test starts when the conditions specified in subsections (e)(1)(B) and (e)(1)(C) ~~test~~ of this Section are met.

B) The mode starts when the vehicle engine speed is between 350 and 1300 rpm. The minimum mode length is determined as described under subsection (e)(1)(C) of this Section.

C) The pass/fail analysis begins after an elapsed time of 10 ten seconds. A pass or fail determination is made for the vehicle and the mode is terminated in accordance with subsections (e)(1)(C)(i) through (e)(1)(C)(iv) ~~test~~ of this Section.

i) The vehicle passes the idle mode and the test terminates on or before an elapsed time of 30 seconds, if the measured values are less than or equal to the applicable test standards as described in subsection (d) of this Section.

ii) The pass/fail analysis shall continue beyond 30 seconds as long as emission readings are declining based upon comparison of the last 5 five consecutive measured values. The vehicle passes the idle mode and the test is immediately terminated if, at any point between an elapsed time of 30 seconds and 90 seconds, the measured values are less than or equal to the applicable test standards described in subsection (d) of this Section.

iii) The vehicle fails the first-chance test if the provisions of subsection (e)(1)(A), (e)(1)(C)(i), or (e)(1)(C)(ii) of this Section are not met.

iv) The vehicle shall fail the first-chance test and the second-chance test shall be omitted if no measured values less than 1800 ppm HC are found by an elapsed time of 30 seconds.

2) Second-Chance Test

A) If the vehicle fails the first-chance test, a second-chance test is performed except as described in subsection (e)(1)(C)(iv) of this Section.

B) Preconditioning Mode

At all Official Inspection Stations, and those Private Official Inspection Stations equipped with dynamometers, all LDVs, LDTs, and LDTs that require a second chance test shall be preconditioned in accordance with the loaded mode

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procedures specified in subsection (e)(2)(B)(i) of this Section. All LDVs, LDTs, and HDVs that, because of the vehicle design or configuration, cannot be preconditioned on the dynamometer, or are tested at Private Official Inspection Stations not equipped with dynamometers, shall be preconditioned using the high idle preconditioning procedures specified in subsection (e)(2)(B)(ii) of this Section. ~~The mode starts when the engine speed is between 2200 and 3000 rpm or between 1650 and 1950 rpm on specified vehicles equipped with 4-speed Automatic Transmissions. The mode continues for an elapsed time of 30 seconds.~~

i) Loaded Preconditioning Mode

The mode starts when the dynamometer speed is within the limits specified for the vehicle engine size in accordance with the following schedule. The mode continues for an elapsed time of 30 seconds.

Dynamometer Test Schedule

Number of Cylinders	Roll Speed		Brake Horsepower (kw)
	Mph (km/hr)		
4 or less	22-25		2.8-4.1
	(35-40)		(2.1-3.1)
5 to 6	29-32		6.8-8.4
	(47-52)		(5.1-6.3)
7 or more	32-35		8.4-10.8
	(52-56)		(6.3-8.1)

ii) High Idle Preconditioning Mode

The mode starts when the engine speed is between 2200 and 2800 rpm, or between 1650 and 1950 rpm on specified vehicles equipped with 4-speed Automatic Transmissions. The mode continues for an elapsed time of 30 seconds.

C) Idle Mode

The mode starts 5 seconds after the dynamometer speed has reached zero if loaded preconditioning has been used, or when the vehicle engine speed is between 350 and 1300 rpm if high idle preconditioning is used. The minimum idle mode length is determined as described in subsection (e)(2)(D) of this Section.

D) The pass/fail analysis begins after an elapsed time of 10 ten seconds. A pass or fail determination is made for the vehicle and the idle mode is terminated in accordance with the following:

i) the vehicle passes the idle test and the test

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terminates on or before an elapsed time of 60 seconds if the measured values are less than or equal to the applicable test standards as determined by the procedure described in subsection (d) of this Section; ii) the vehicle fails the idle test and the test terminates if the provisions of subsection (e)(2)(D)(i) are not met within an elapsed time of 60 seconds.

(Source: Amended at 22 Ill. Reg. 18867, effective SEP 28 1986)

Section 276.205 Evaporative System Integrity Test Procedures

a) Applicability

The evaporative system integrity test shall be performed in accordance with the fuel cap leak flow test procedures or fuel cap pressure decay test procedures, and fuel cap visual functional test procedures specified in subsections (b) and (c) of this Section.

b) Test Procedures Procedure

1) Fuel Cap Leak Flow Test

The fuel cap shall be removed from the vehicle's fuel inlet and installed on the fuel cap leak flow tester, using an adapter if necessary. All fuel caps that require a key for removal from the vehicle's fuel inlet shall be tested with the key removed from the lock. At Official Inspection Stations, the lane computer shall provide the lane operator with information as to whether the fuel cap tester can be used to test the vehicle's fuel cap and which adapter, if any, is required, based on one or more of the following items: VIN, make, model, and model year. If the fuel cap can be tested, then the following task shall be performed:

A) the fuel cap leak flow tester shall be pressurized to 30 ± 1 inches of water. The inspector shall initiate the test. The fuel cap leak flow tester shall measure the fuel cap leak flow rate and simultaneously compare this flow rate with the flow rate through the calibrated orifice;

B) within fifteen--~~4~~ 15 seconds after the depression of the start-test button, the fuel cap leak flow tester shall make a pass/fail determination. Pass/fail analysis shall be determined according to the procedures in subsection (c) of this Section;

C) fuel caps which have failed an initial integrity test under subsection (c)(4) ~~test~~ of this Section shall immediately receive a second-chance fuel cap leak flow test after first ensuring that the fuel cap has been installed on the fuel cap leak flow tester correctly. The procedure contained in subsections (b)(1)(A) and (b)(1)(B) of this Section ~~this~~

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~~subsection (b)~~ shall be repeated; and
D) at the conclusion of all fuel cap leak flow tests, the fuel cap shall be removed from the fuel cap leak flow tester and replaced on the filler neck, ensuring that it is properly tightened.

2) Fuel Cap Pressure Decay Test

The fuel cap shall be removed from the vehicle's fuel inlet and installed on the fuel cap pressure decay tester, using an adapter if necessary. All fuel caps that require a key for removal from the vehicle's fuel inlet shall be tested with the key removed from the lock. At Official Inspection Stations, the lane computer shall provide the lane operator with information as to whether the pressure decay tester can be used to test the vehicle's fuel cap and which adapter, if any, is required, based on one or more of the following items: VIN, make, model, and model year. If the fuel cap can be tested, then the following task shall be performed:

A) the pressure decay tester shall be pressurized to 28 ± 1 inches of water. The inspector shall initiate the test. The pressure decay tester shall monitor the pressure behind the fuel cap and look for pressure decay;

B) the pressure decay shall be monitored for 10 seconds after stability is achieved for 10 seconds. Pass/fail analysis shall be determined according to the procedures in subsection (c) of this Section;

C) fuel caps that have failed an initial integrity test under subsection (c)(4) of this Section shall immediately receive a second-chance fuel cap pressure decay test after first ensuring that the fuel cap has been installed on the pressure decay tester correctly. The procedure contained in subsections (b)(2)(A) and (b)(2)(B) of this Section shall be repeated; and

D) at the conclusion of all fuel cap pressure decay tests, the fuel cap shall be removed from the pressure decay tester and replaced on the filler neck, ensuring that it is properly tightened.

3) 2) Visual Functional Test

If the vehicle has a fuel cap, but the fuel cap cannot be tested using the leak flow or pressure decay test procedures, ~~fuel cap tester--due--to--the--lack--of--proper--testing--information--or equipment--and--if--the--vehicle--is--not--failed--in--accordance--with subsection--(c)(4)--of--this--Section~~ then the lane inspector shall perform a visual functional test inspection of the fuel cap shall be performed.

c) Pass/Fail Determination

1) Vehicles which are presented for testing with missing, inaccessible, incorrect, non-removable, illegal, or otherwise non-testable fuel caps shall fail the evaporative system

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integrity test.

- 2) If the vehicle's fuel cap is present and can be tested using either the fuel cap leak flow test or the fuel cap pressure decay test ~~tester~~ under subsection (b)(1) or (b)(2) of this Section and, if tested, the test result does not exceed either ~~it meets~~ the fuel cap leak flow rate standard contained in 35 Ill. Adm. Code 240.172(b) or the fuel cap pressure decay standard contained in 35 Ill. Adm. Code 240.172(a) ~~440~~, then the vehicle shall pass the evaporative system integrity test.
- 3) If the vehicle's fuel cap is present and is ~~cannot be~~ tested under the provisions of subsection (b)(3) of this Section, and the test result does not exceed ~~using the fuel cap tester but can receive a visual functional test under subsection (b)(2) of this Section and it meets~~ the visual functional test standard contained in 35 Ill. Adm. Code 240.172(c) ~~440~~, then the vehicle shall pass the evaporative system integrity test.
- 4) If the vehicle's ~~a vehicle~~ fuel cap is tested using either the fuel cap leak flow test or the fuel cap pressure decay test under the provisions of subsection (b)(1) or (b)(2) of this Section ~~subsection (c)(3) or (c)(4), and does not meet the applicable standards contained in 35 Ill. Adm. Code 240.172 440~~, the vehicle shall fail the evaporative system integrity test.

(AGENCY NOTE: No vehicle will be failed under subsection (c) until applicable standards have been adopted at 35 Ill. Adm. Code 240 and are effective.)

(Source: Amended at 22 Ill. Reg. **18867**, effective **SEP 28 1998**)

Section 276.207 Transient Loaded Mode Exhaust Emissions Test Procedures

a) General Requirements

- 1) The test shall consist of up to 240 seconds of mass emission measurement using a constant volume sampler while the vehicle is driven through a computer-monitored driving cycle on a dynamometer with inertia weight settings appropriate for the weight of the vehicle. The driving cycle shall include acceleration, deceleration, and idle operating modes as specified in subsection (e)(1) of this Section. The 240-second sequence may be ended earlier using fast pass algorithms.
- 2) The emission standards and dynamometer inertia and power absorption settings shall be automatically selected for the vehicle being tested based upon the identification and validation of the following, as needed:

- A) Vehicle type: LDV, LPT1, LPT2, and others as needed;
 B) GVWR;
 C) Chassis model year;
 D) Make;

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E) Model;

- F) Number of cylinders;
 G) Transmission type;
 H) LVW or ALVW; and
 I) Engine displacement.

Alternative computerized methods of selecting dynamometer test conditions, such as VIN decoding, may be used.

- 3) The ambient temperature, absolute humidity, and barometric pressure shall be recorded continuously during the transient test, or as a single set of readings if taken less than 4 minutes prior to the transient driving cycle.

- 4) If the vehicle is shut off, the vehicle shall be restarted as soon as possible before the test and shall be running for at least 30 seconds prior to the transient driving cycle begins.

- 5) If a vehicle stalls during a transient test, the test shall be aborted and restarted. If after 3 attempts the test cannot be completed, the vehicle shall be rejected.

b) Pre-inspection and Preparation

- 1) Initial tests (i.e., those occurring for the first time in a vehicle's scheduled test cycle) shall be performed without repair or adjustment at the inspection facility prior to the test.

- 2) A test, once initiated, shall be performed in its entirety regardless of intermediate outcomes, except in the case of invalid test conditions or unsafe conditions.

- 3) Tests involving measurement shall be performed with Agency-approved equipment that is operated in accordance with the procedures contained in 40 CFR 85.2234 (Draft), incorporated by reference in Section 276.104(a) of this Part.

- 4) All accessories (air conditioning, heat, defogger, radio, automatic traction control if switchable, etc.) shall be turned off (if necessary, by the inspector).

- 5) The vehicle shall be inspected for exhaust leaks. Audio assessment while blocking exhaust flow or gas measurement of CO[2] or other gases shall be acceptable. Vehicles with leaking exhaust systems shall be rejected from testing.

- 6) Vehicles with missing tailpipe sections that prohibit placement of the exhaust collection system to capture the entire exhaust stream shall be rejected from testing.

- 7) The vehicle temperature gauge, if equipped and operating, shall be checked to assess temperature. If the temperature gauge indicates that the engine is well below normal operating temperature, the vehicle shall receive a second-chance emission test if it fails the initial test for HC or CO. Vehicles in overheated condition shall be rejected from testing.

- 8) Vehicles shall be rejected from testing if drive axle tires:

- A) exhibit visible cords, belts, bubbles, cuts, or other damage, or
 B) are space-saver spare tires, or

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- C) are not reasonably sized tires.
- 9) Vehicles' drive axle tires shall be inspected for proper inflation. If one or more of these tires appears low, it shall be inflated to approximately 30 psi, or to tire sidewall pressure, or manufacturer's recommendation.
- 10) Drive axle tires of vehicles subject to additional testing for the purpose of program evaluation under 40 CFR 51.353, incorporated by reference in Section 276.104(d) of this Part, shall have their tires inflated to tire sidewall pressure.

11) Background concentrations of HC, CO, NO[x], and CO[2] shall be sampled as specified in 40 CFR 85.2226(b)(2)(iv) (Draft), incorporated by reference in Section 276.104(a) of this Part, to determine background concentration of dilution air. The sample shall be taken for a minimum of 15 seconds within 120 seconds after the start of the transient driving cycle, using the same analyzers used to measure tailpipe emissions. Average readings over the 15 seconds for each gas shall be recorded in the test record. Testing shall be prevented until the average ambient background levels are less than 20 ppmC HC, 35 ppm CO, and 2 ppm NO[x] (when applicable), or outside ambient air levels (not influenced by station exhaust), whichever are greater.

- 12) While a lane is in operation, the CVS shall continuously purge the CVS hose between tests. The blower may be turned off if the CVS is not in operation, but the system shall be purged for 2 minutes prior to the start of a test if the blower has been turned off. The off time shall be computer monitored and recorded to a history file for quality assurance.

- c) Equipment Positioning and Settings
Vehicle positioning and settings shall be conducted according to the method specified in 40 CFR 85.2221(c) (Draft), incorporated by reference in Section 276.104(a) of this Part, with the following exceptions:

- 1) the cooling fan need only be activated when the ambient temperature exceeds 72°F;
- 2) the parking brake should only be activated on front wheel drive vehicles when possible; and
- 3) the hood will not be opened for cooling purposes.

d) Vehicle Conditioning

- 1) Queuing Time
When the measured wait time exceeds 20 minutes, the vehicle shall receive a second-chance emission test if the following conditions apply:

- A) fails the test; and
- B) measured values for HC, CO, and NO[x] (if applicable) are at or below 1.5 times the applicable standards of 35 Ill. Adm. Code 240.

2) Program Evaluation

Vehicles selected for additional testing for the purpose of

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program evaluation under 40 CFR 51.353, incorporated by reference in Section 276.104(d) of this Part, shall receive two full transient emission tests of 240 seconds each. Results from both tests and the test order shall be separately recorded in the test record. Emission results shall be provided to the motorist according to the following criteria:

- A) If the vehicle passes both tests, then the first test result shall be provided.
- B) If the vehicle passes one test and fails the other test, then the test results from the passing test shall be provided.
- C) If the vehicle fails both tests, then the test results from the second test shall be provided.

e) Vehicle Emission Test Sequence

- 1) Transient Driving Cycle
The vehicle shall be driven over the driving cycle contained in Section 276. Table A of this Part.

2) Driving Trace

The inspector shall follow an electronic, visual depiction of the time/speed relationship of the transient driving cycle (hereinafter, the trace). The visual depiction of the trace shall be of sufficient magnification and adequate detail to allow accurate tracking by the driver and shall permit the driver to anticipate upcoming speed changes. The trace shall also clearly indicate gear shifts as specified in subsection (e)(3) of this Section.

3) Shift Schedule

For vehicles with manual transmissions, inspectors shall shift gears according to the following shift schedule:

Shift Sequence	Approximate Speed Miles Per Hour	Nominal Cycle Time Seconds
1-2	15	9.3
2-3	25	47.0
De-clutch	15	87.9
1-2	15	101.6
2-3	25	105.5
3-2	17	119.0
2-3	25	145.8
3-4	40	163.6
4-5	45	167.0
5-6	50	180.0
De-clutch	15	234.5

Gear shifts shall occur at the points in the driving cycle where the specified speeds are obtained. For vehicles with fewer than

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6 forward gears, the same schedule shall be followed with shifts above the highest gear disregarded.

4) Speed excursion limits shall apply as follows:

A) The upper limit is 2 mph higher than the highest point on the trace within 1 second of the given time.

B) The lower limit is 2 mph lower than the lowest point on the trace within 1 second of the given time.

C) Speed variations greater than the tolerances (such as may occur during gear changes) are acceptable provided that they occur for no more than 2 seconds on any occasion.

D) Speeds lower than those prescribed during accelerations are acceptable provided the vehicle is operating at maximum available power during such accelerations until the vehicle speed is within the excursion limits.

E) Exceedences of the limits in subsections (e)(4)(A) through (e)(4)(C) of this Section shall automatically result in a void test. Station supervisory personnel can override the automatic void of a test if it is determined that the conditions specified in subsection (e)(4)(D) of this Section occurred. These conditions shall be verified by repeating seconds 0 through 16 of the transient driving cycle as specified in subsection (e) of this Section.

F) The test shall be aborted and immediately restarted if speed excursion limits are exceeded, except as described in subsection (e)(4)(D) of this Section.

5) Speed Variation Limits
The speed variation limits shall be determined by one of the following methods:

A) Linear Regression Method

i) A linear regression of feedback value on reference value shall be performed on each transient driving cycle for each speed using the method of least squares, with the best fit equation having the form: $y = mx + b$, where:

y = The feedback (actual) value of speed

m = The slope of the regression line

x = The reference value

b = The y-intercept of the regression line

ii) The SE of y on x shall be calculated for each regression line. A transient driving cycle lasting the full 240 seconds that exceeds the following criteria shall be void and the test shall be repeated:

SE = 2.0 mph maximum

m = 0.96 - 1.01

$r(2)$ = 0.97 minimum

b = 2.0 mph

iii) A transient driving cycle that ends before the full 240 seconds that exceeds the following criteria shall

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be void and the test shall be repeated:

SE = (Reserved)

m = (Reserved)

$r(2)$ = (Reserved)

b = (Reserved)

B) Positive Kinetic Energy (PKE) Method

i) The speed variation limits shall be determined by the following equation for Positive Kinetic Energy (PKE):

$$E + \sum_{t=0}^N PP[t] / \int_{t=0}^N x \, dx$$

where: $PP[t] = V(2)[t] - V(2)[t-1]$

$mi(2)/hr(2)$ for $V[t] > V[t-1]$

$PP[t] = 0$ for $V[t] < 0$

x = distance (miles)

$PP[t]$ = Positive Specific Power at time t

$V[t]$ = Velocity at time t

$V[t-1]$ = Velocity at time $t-1$

ii) A transient driving cycle lasting the full 240 seconds with a PKE value that is below the lower PKE limit for passing vehicles or above the upper limit for failing vehicles shall be void and the test shall be repeated:

Upper Limit: $PKE > 3456 \text{ mi/hr}(2)$

Lower Limit: $PKE < 3082 \text{ mi/hr}(2)$

iii) A transient driving cycle that ends before the full 240 seconds with a PKE value that is below the lower second-by-second PKE limit for passing vehicles or above the upper second-by-second PKE limit for failing vehicles shall be void and the test shall be repeated. The second-by-second upper and lower PKE limits are specified in Section 276, Table B.

iv) PKE values shall not be used to make early pass/fail determination.

6) The actual distance traveled for the transient driving cycle shall be measured. If the absolute difference between the measured distance and the theoretical distance for the actual test exceeds 0.05 miles, the test shall be void.

7) The vehicle shall be rejected if, during the course of the transient loaded mode test, station supervisory personnel verify that the test cannot be completed due to the mechanical condition of the vehicle.

8) Inertia Weight Selection

Operation of the inertia weight selected for the vehicle shall be verified as specified in Section 276.506(a) of this Part. For systems employing electrical inertia simulation, an algorithm

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identifying the actual inertia force applied during the transient driving cycle shall be used to determine proper inertia simulation.

- 9) The CVS operation shall be verified for each test for a CFV-type CVS by measuring either the absolute pressure difference across the venturi or measuring the blower vacuum behind the venturi for minimum levels needed to maintain choke flow for the venturi design. The operation of an SSV-type CVS shall be verified throughout the test by monitoring the difference in pressure between upstream and throat pressure. The minimum values shall be determined from system calibrations. Monitored pressure differences below the minimum values shall void the test.

10) Fuel Economy

For each test, the quality of the overall analysis system shall be evaluated by checking a test vehicle's fuel economy for reasonableness, relative to upper and lower limits, representing the range of fuel economy values normally encountered for the test inertia and horsepower selected. For each inertia selection, the upper fuel economy limit shall be determined using the lowest horsepower setting typically selected for the inertia weight, along with statistical data, test experience, and engineering judgment. A similar process for the lower fuel economy limit shall be used with the highest horsepower setting typically selected for the inertia weight. For test inertia selections where the range of horsepower settings is greater than 5 horsepower, at least two sets of upper and lower fuel economy limits shall be determined and appropriately used for the selected test inertia. Tests with fuel economy results in excess of 1.5 times the upper limit shall result in a void test.

11) System Lockout

If a void occurs as described in subsections (e)(6), (e)(9), or (e)(10) of this Section, then a test lane system lockout shall be initiated. No further testing shall be done until the problem is corrected by station supervisory personnel. At Official Inspection Stations, the vehicle involved shall be immediately retested in a properly operating lane.

- f) Transient Loaded Mode Exhaust Gas Test Score Calculations
The transient loaded mode exhaust gas test score shall be determined according to the method specified in 40 CFR 85.2205(b) (Draft), incorporated by reference in Section 276.104(a) of this Part, with the following exceptions:

- 1) The Phase 2 scores for the test shall be determined by dividing the sum of the mass of each pollutant obtained in each second of the Phase 2 test by the number of miles driven in the Phase 2 test. The first data point is the sample taken from t=94 to t=95. The Phase 2 test score shall be determined by the following equation:

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$$\frac{s}{\text{SUM grams of emissions}}$$

$$\frac{s}{\text{SUM miles traveled}}$$

$$\text{Phase 2 gpm} = \frac{s}{t=94}$$

Where s = duration of test in seconds for fast pass, or $s = 239$ seconds for complete transient loaded mode exhaust gas test.

- 2) NO(x) = Nitrogen oxide concentration of the dilute exhaust sample as measured in ppm and multiplied by 1.03.

- 3) NO(xd) = Background nitrogen oxide concentration of the dilution air, sampled as described in 40 CFR 85.2221(b)(5) (Draft), incorporated by reference in Section 276.104(a) of this Part, as measured in ppm and multiplied by 1.03.

g) Pass/Fail Determination

Compliance with the transient loaded mode exhaust emission test shall be made in accordance with the standards contained in 35 Ill. Adm. Code 240, Subpart E.

(Source: Added 8/8/98 22 Ill. Reg. 18867, effective SEP 28 1998)

Section 276.208 On-Road Remote Sensing Test Procedures

a) Applicability

On-road remote sensing tests shall be scheduled to occur at least once a year by the Agency or its designee in each affected county, distributed throughout the inspection areas in proportion to the number of subject vehicles registered in these areas, and performed in accordance with the procedures specified in subsections (b) through (e) of this Section.

b) On-Road Remote Sensing Test Procedure

The on-road remote sensing test shall consist of measuring the concentration of HC, CO, and CO(2), and automatically recording the speed, acceleration, and license plate of each in-use vehicle. Compliance is determined by comparing the measured emission concentration of each pollutant to the on-road remote sensing emission standards contained in 35 Ill. Adm. Code 240.182.

c) Test Site Location Criteria

Test locations for on-road remote sensing tests shall be sited such that:

- 1) cold start vehicle operation conditions are avoided;
- 2) areas where vehicles are generally accelerating or driving at a steady speed uphill are favored;
- 3) areas where vehicles are generally decelerating are avoided;
- 4) areas that could produce high load conditions are avoided;

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- 5) traffic is contained to a single lane;
 6) traffic is high in volume;
 7) test equipment is unobtrusive to vehicle operation; and
 8) adequate median space is provided for safe operation of test equipment.

d) Data Collection

- 1) The following items shall be collected for each vehicle receiving an on-road remote sensing test:
 A) vehicle license plate number;
 B) date and time of test;
 C) test site reference number;
 D) emission levels for HC, CO, and CO[2]; and
 E) speed and acceleration of vehicle.
- 2) The following items shall be collected for each on-road remote sensing test site:
 A) test site reference number;
 B) description of test site location; and
 C) slope of test site in degrees.

e) Pass/Fail Determination

The owner of any non-exempt vehicle that has previously been through an in-cycle emissions test and passed the final retest, or is determined to be out of compliance, which is found with an exceedance of the on-road remote sensing emission standards, shall be notified of such exceedance. If a second exceedance occurs prior to the next scheduled in-cycle emissions test, the Agency will reassign the vehicle and notify the owner of a required out-of-cycle exhaust emissions test.

(Source: Added at 22 Ill. Reg. 18867, effective SEP 28 1998)

Section 276.209 On-Board Diagnostic Test Procedures

- a) Test Procedures
 The OBD test procedure shall be conducted according to the method specified in 40 CFR 85.2222(a), (b), and (c), incorporated by reference in Section 276.104(c) of this Part.

- b) Pass/Fail Determination
 The pass/fail determination for OBD testing shall be conducted according to the method specified in 40 CFR 85.2222(d), incorporated by reference in Section 276.104(c) of this Part.

- c) OBD Test Report
 The OBD test report shall be prepared according to the method specified in 40 CFR 85.2223, incorporated by reference in Section 276.104(c) of this Part, with the exception that the following statement shall be added to the report for all OBD tests conducted prior to January 1, 2001:

"At the present time, passing the OBD test is not a requirement

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for passing the Enhanced I/M test. Therefore, this information is being provided strictly as an aid in diagnosing emission-related problems."

AGENCY NOTE: No vehicle shall fail the I/M test on the basis of the OBD test until January 1, 2001.

(Source: Added at 22 Ill. Reg. 18867, effective SEP 28 1998)

SUBPART C: STICKER OR CERTIFICATE ISSUANCE, DISPLAY, AND POSSESSION

Section 276.312 Economic Hardship Extension Stickers or Certificates

An Economic Hardship Extension Sticker or Certificate shall be issued by the Agency to the owner(s) of any vehicle that fails a vehicle emissions test but successfully complies with the applicable economic hardship extension requirements of Section 276.404 of this Part. Each Economic Hardship Extension Emissions Inspection Sticker or Certificate will contain the information indicated in Section 276.303 and the words "ECONOMIC HARSHIP EXTENSION".

(Source: Added at 22 Ill. Reg. 18867, effective SEP 28 1998)

SUBPART D: WAIVER AND ECONOMIC HARSHIP EXTENSION REQUIREMENTS

Section 276.401 Waiver General Requirements

All vehicles subject to inspection under the Vehicle Emissions Inspection Law of 1995 [625 ILCS 5/Ch. 13B] shall be eligible for a waiver from meeting the applicable vehicle exhaust emission standards contained in 35 Ill. Adm. Code 240 upon submission of proof (as outlined in Section 276.402(b)) to a Waiver State Inspector of compliance with all of the following:

- after failing a retest, the vehicle has failed to comply with the applicable vehicle exhaust emission standards for hydrocarbons (HC), as hexane, and/or carbon monoxide (CO);
- a minimum expenditure of at least \$450 in emission-related repairs exclusive of tampering-related repairs have been made a tow-emissions tuneup (in accordance with the provisions set forth in Section 276.402) has been performed on the vehicle no more than 30 days prior to the request for waiver;
- the vehicle has received all repairs and adjustments for which it is eligible under any emission performance warranty provisions pursuant to Section 207 of the Clean Air Act (42 USC 185e-7541);
- the repairs have resulted in an improvement in vehicle emissions as determined by comparison of initial and final retest results; the vehicle has been retested and failed levels of exhaust emissions as measured during the final retest have shown improvement as compared with the initial test results; and

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- e) the Agency determines by normal inspection procedures that the emission control devices with which the vehicle was originally equipped or direct replacements are present and appear to be properly connected and operating; provided, however, that vehicles with emission control devices which are obsolete and cannot be obtained through the original equipment manufacturer, aftermarket manufacturers, or suppliers of used parts are exempt from the requirements of this subsection; Specific reporting requirements with regard to the unavailability of emission control devices shall be completed by the vehicle owner and presented to the Agency as may be specified;
- f) repairs for vehicles of model year 1981 and later are conducted by a recognized repair technician; and ~~Notwithstanding anything to the contrary herein, neither a waiver of the vehicle emissions standards nor an emissions inspection sticker or certificate may be issued for a vehicle if such vehicle has not passed the applicable evaporative system integrity test contained in this Part.~~
- g) evidence of repair is presented consisting of either signed and dated receipts identifying the vehicle and describing the work performed and amount charged for eligible emission-related repairs, or an affidavit executed by the person performing the eligible emission related repairs.

(Source: ~~Amended 1998~~ 22 Ill. Reg. 18867, effective SEP 28 1998)

Section 276.403 Denial or Issuance of Waiver

- a) If the Agency determines that an applicant for a waiver has not complied with all applicable waiver criteria set forth in Section 276.401 of this Part 276.402, the waiver request shall be denied. The Agency shall provide to the applicant a written statement containing the reasons for the denial.
- b) If the Agency determines that an applicant for a waiver has complied with all waiver criteria set forth in Section 276.401 of this Part, the waiver shall be issued. The Agency shall provide to the applicant a certificate of waiver containing a description of the vehicle, including the manufacturer's vehicle identification number; the issuance date of the waiver; and the expiration date of the waiver.

(Source: Amended at 22 Ill. Reg. 18867, effective SEP 28 1998)

Section 276.404 Economic Hardship Extension Requirements

- a) Requirements
A one year economic hardship extension sticker or certificate shall be granted by the Agency to the owner(s) of a vehicle upon application if

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the following criteria are met:

- 1) when tested, the subject vehicle failed to meet applicable emission standards contained in 35 Ill. Adm. Code 240, except that the economic hardship extension sticker or certificate will not be granted if only the applicable fuel cap emissions test standard contained in 35 Ill. Adm. Code 240 is failed;
- 2) the registered owner(s) of the subject vehicle certifies that his or her, or their, household income qualifies as "low income" as defined in this Part. In the case of multiple registered owners who are not part of the same household, the registered owners must certify that the sum of each registered owner's household income qualifies as "low income" as defined in Section 276.102 of this Part;
- 3) the current or former owner(s) of a subject vehicle has not previously received an economic hardship extension sticker or certificate for the subject vehicle, or, if an economic hardship extension has previously been issued, the vehicle passed all required emissions tests prior to issuance of another economic hardship extension sticker or certificate;
- 4) the registered owner(s) of the subject vehicle present(s) either of the following, which shall not include any costs associated with any motor vehicle emission related recall that has been, or is to be, paid by a manufacturer or dealer:
- a written estimate prepared by a recognized repair technician for emission related vehicle repairs, parts or services, including diagnostic fees, related to the failure in the amount of 50 percent or greater of the current waiver repair minimum amount contained in Section 276.402(a)(3) of this Part; or
 - if the registered owner(s) intends to perform the necessary services or repairs, the written estimate shall include only the cost of emission related parts;
- 5) the registered owner(s) of the vehicle grants authorization to the Agency or its representatives to make legitimate inquiries as necessary, including to all relevant State departments or agencies, including but not limited to the Office of the Secretary of State and the Department of Human Services, to verify ownership and income information.
- b) An economic hardship extension sticker or certificate is not transferable to one or more subsequent owners.
- c) An economic hardship extension sticker or certificate may be revoked by the Agency if the Agency determines that the applicant(s) made false statements on the economic hardship extension application.

(Source: Added SEP 28 1998 22 Ill. Reg. 18867, effective SEP 28 1998)

SUBPART E: TEST EQUIPMENT SPECIFICATIONS

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Section 276.501 General Requirements

Compliance with Illinois vehicle exhaust and evaporative emissions standards shall be determined by sampling vehicle exhaust and evaporative emissions with the following:

- a) Steady-state idle test equipment meeting the specifications set forth in Sections 276.502 and 276.503 of this Part;
- b) Evaporative system test equipment meeting the specifications set forth in Section 276.504 of this Part; if the fuel cap leak flow test is used;
- c) Transient loaded mode test equipment meeting the specifications set forth in Sections 276.505 and 276.506 of this Part;
- d) On-road remote sensing test equipment meeting the specifications set forth in Section 276.507 of this Part; and
- e) OBD test equipment meeting the specifications set forth in Section 276.508 of this Part.

(Source: Amended at 22 Ill. Reg. 18367, effective SEP 28 1998)

Section 276.502 Steady-State Idle Exhaust Test Analysis Systems Functional Requirements---Steady-State-Idle-Test-Exhaust-Analysis-Systems

The steady-state idle test exhaust analysis system shall meet the functional requirements specified in 40 CFR 85.2225(b) (Draft), incorporated by reference in Section 276.104(a) of this Part with the following exception: the sampling system shall have both a tachometer and a dynamometer. Additionally, all exhaust gas analyzers used at Official Inspection Stations shall be capable of:

- a) providing reliable, continuous service under high throughput (i.e., 25 tests per hour minimum) conditions; All exhaust-gas analyzers shall be capable of sampling and measuring motor-vehicle exhaust concentrations of hydrocarbons (HC), carbon monoxide (CO), and carbon dioxide (CO₂) during idle operating conditions;
- b) making an automatic selection of the proper emission standard for each vehicle tested; All exhaust-gas analyzers used at Official Inspection Stations shall be capable of performing the following additional functions--(this subsection (b))--does not apply to testing conducted pursuant to Subpart G--Fleet Testing Requirements:
 - 1) providing reliable, continuous service under high throughput (i.e., 25 tests per hour minimum) conditions;
 - 2) providing for the automatic selection of the proper emission standard for each vehicle tested;
 - 3) providing for an automatic pass/fail determination for each vehicle tested;
 - 4) recording of test data in machine-readable (computer) form for subsequent data processing and analysis;
 - 5) providing for instantaneous printing of duplicate copies of test results; and

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- 6) providing for the following quality assurance/quality control features:
 - A) automatic HC hangup check with purging to begin upon completion of each test;
 - B) automatic zero and electrical span to be conducted prior to each test;
 - C) automatic leak check capability with provisions for weekly checks pursuant to requirements of the U.S. Environmental Protection Agency as set forth in 40 CFR 857-Subpart W; and
 - B) automatic span gas calibration.

- c) making automatic pass/fail determinations for each vehicle tested;
- d) recording test data in machine-readable (computer) form for subsequent data processing and analysis;
- e) making an instantaneous printing of duplicate copies of test results; and
- f) meeting the following equipment calibration requirements:

- 1) automatic HC hangup check with purging to begin upon completion of each test;
- 2) automatic zero and span check to be conducted prior to each test;
- 3) automatic leak check within 4 hours prior to the test; and
- 4) automatic 2-point gas calibration within 4 hours prior to the test.

(Source: Amended at 22 Ill. Reg. 18367, effective SEP 28 1998)

Section 276.503 Steady-State Idle Test Exhaust Analysis Systems Performance Criteria---Steady-State-Idle-Test-Exhaust-Analysis-Systems

The steady-state idle test exhaust analysis system shall meet the performance criteria specified in 40 CFR 85.2225(c) (Draft), incorporated by reference in Section 276.104(a) of this Part. All exhaust-gas analyzers shall meet the following criteria:

- a) Accuracy
 - 1) Accuracy of all exhaust-gas analyzers shall be within the following limits:
 - 1) HC (as hexane): 0---400 ppm +12 ppm (parts-per-million)
 - 400---1000 ppm +30 ppm
 - 1000---2000 ppm +60 ppm
 - 0.2% +0.06%
 - 2.5% +0.15%
 - 5.10% +0.30%
 - 0.10% +0.5%
 - +0.14% +0.9%
 - 2) CO: 2
 - 3) CO₂: 3
- b) Response Time
 - 1) Response time of all exhaust-gas analyzers shall be eight (8) seconds to 90% of the final reading.

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c) Drift

The zero and span drift of all exhaust gas analyzers shall not exceed +15 ppm HC, +0.1% CO, and +0.5% CO₂ during a one hour period.

d) Interference Effects

1) HC measurements shall not deviate more than +10 ppm when sampling the following concentrations of non-interest gases:

15% CO₂ in N₂

10% CO in N₂

3000 ppm NO in N₂

10% O₂ in N₂

3% H₂O vapor in air

2) CO measurements shall not deviate more than +0.05% when sampling the following concentrations of non-interest gases:

15% CO₂ in N₂

1600% ppm HC in N₂

3000 ppm NO in N₂

10% O₂ in N₂

3% H₂O vapor in air

3) CO₂ measurements shall not deviate more than +0.5% when sampling the following concentrations of non-interest gases:

1600% ppm HC in N₂

10% CO in N₂

3000 ppm NO in N₂

10% O₂ in N₂

3% H₂O vapor in air

e) Sensitivity

The sensitivity of all exhaust gas analyzers shall be 1 ppm HC, 0.01% CO, and 0.01% CO₂.

f) Repeatability

The repeatability of all exhaust gas analyzers shall be within +10 ppm HC, +0.5% CO, and +0.2% CO₂ during 5 successive measurements of the same sample.

g) Range of Measurement

All exhaust gas analyzers shall have a range of 0 to 2000 ppm HC, 0 to 10% CO, and 0 to 16% CO₂.

h) Temperature Operating Range

All exhaust gas analyzers shall conform to all specifications in ambient temperatures of -35 to +110 degrees Fahrenheit.

i) Temperature Stability

With gas calibrated at 75 degrees Fahrenheit, full scale (FS) error of all exhaust gas analyzers shall not exceed +4% within an operating range of +55 degrees Fahrenheit to +95 degrees Fahrenheit, with no adjustments other than adjustments for zero and mechanical span.

j) Humidity Operating Range

All exhaust gas analyzers shall conform to all specifications from 0% to 85% relative humidity.

k) Calibration

All exhaust gas analyzers shall have the capability of electronic and

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gas calibration:

1) Flow Restriction Indication

All exhaust gas analyzers shall be operated within manufacturer's specifications for sample flow. The sampling system shall be equipped with visual and/or audible warning that the sample flow is not within operating limits.

(Source: Amended at 22 Ill. Reg. 18867, effective SEP 28 1998)

Section 276.504 Evaporative System Integrity Test Functional Requirements and Performance Criteria--Evaporative System--Integrity Test (Fuel Cap Leak Flow Tester)

Fuel cap leak flow testers (fuel cap testers) used for evaporative system integrity testing shall be:

a) Requirements easily connected to fuel caps, including those tethered to the vehicle;

Both fuel cap leak flow testers and fuel cap pressure decay testers used for evaporative system integrity testing shall be:

1) easily connected to fuel caps, including those tethered to the vehicle;

2) compatible with at least 95 percent of all vehicles required to receive a fuel cap test;

3) adaptable as required to test future model year vehicles as they enter the eligible fleet;

4) capable of performing the following additional functions if used at Official Inspection Stations:

A) provide reliable, continuous service under high throughput (i.e., 25 tests per hour minimum) conditions;

B) provide for the automatic selection of the proper fuel cap test equipment (if applicable) for each vehicle tested;

C) provide for an automatic pass/fail determination for each vehicle tested;

5) unaffected by atmospheric variation (i.e., barometric pressure, humidity, temperature, etc.). Test accuracy shall be within 2 percent of stated values from 0°F to 120°F;

6) pressurized using air, Nitrogen (N₂), or an equivalent non-toxic, non-greenhouse, inert gas;

7) capable of controlling the supply pressure and preventing over pressurization;

8) tamper resistant; and

9) designed to avoid damage to the vehicle during installation, testing and removal.

b) Fuel cap pressure decay tester compatible with at least 95 percent of all vehicles required to receive a fuel cap test;

The fuel cap pressure decay tester used for evaporative system

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integrity testing shall be equipped with a pressure gauge with a minimum range of 0 to 50 inches of water and an accuracy of 0.3 inches of water or 2 percent of point, whichever is greater.

- c) Fuel cap leak flow tester ~~adaptable as required to test future model year vehicles as they enter the eligible fleet~~
The fuel cap leak flow tester used for evaporative system integrity testing shall be:

- 1) equipped with a serviceable air filter upstream of the flow comparison circuitry;
- 2) equipped with an automatic shutoff and a low-battery indicator if battery powered;
- 3) supplied with a NIST traceable reference passing fuel cap of nominal 52 to 56 cc/min for daily test verification;
- 4) supplied with a NIST traceable reference failing fuel cap of nominal 64 to 68 cc/min for daily test verification;
- 5) accurate to 3 cc/min at the 60 min flow standard; and
- 6) able to be modified, either by the manufacturer or an authorized service center, to test at a revised leakage (flow) rate from that originally shipped.

- d) capable of performing the following additional functions (if used at official inspection stations):

- 1) provide reliable continuous service under high-throughput (fire) 25-tests-per-hour minimum conditions;
- 2) provide for the automatic selection of the proper fuel cap test equipment (if applicable) for each vehicle tested;
- 3) provide for an automatic pass/fail determination for each vehicle tested;

- e) unaffected by atmospheric variation (fire) barometric pressure humidity temperature, etc.; test accuracy shall be within 2% of stated values from gap to 1200P;
f) limited to a maximum test time of fifteen (15) seconds in duration from depression of start test button to pass/fail determination;
g) capable to be modified, either by the manufacturer or an authorized service center, to test at a revised leakage (flow) rate from that originally shipped.

(Source: Amended SEP 28 1998 22 Ill. Reg. 18867, effective

Section 276.505 Transient Loaded Mode Test Systems Functional Requirements

The transient loaded mode test system shall meet the functional requirements specified in 40 CFR 51.358(b), incorporated by reference in Section 276.104(d) of this Part.

(Source: Added at 22 Ill. Reg. 18867, effective SEP 28 1998)

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Section 276.506 Transient Loaded Mode Test Systems Performance Criteria

- a) Dynamometer Specifications

The dynamometer system shall meet the performance criteria specified in 40 CFR 85.2226(a) (Draft), incorporated by reference in Section 276.104(a) of this Part, with the following exceptions:

- 1) the inertia simulation capability need not be any higher than 5500 pounds;
 - 2) the dead weight method is not required for the torque meter or load cell calibration; and
 - 3) the vehicle cooling fan is required equipment for all transient loaded mode test systems.
- b) Constant Volume Sampler Specifications
- The constant volume sampler system shall meet the performance criteria specified in 40 CFR 85.2226(b) (Draft), incorporated by reference in Section 276.104(a) of this Part.

- c) Analytical Instruments Specifications

The analytical instruments shall meet the performance criteria specified in 40 CFR 85.2226(c) (Draft), incorporated by reference in Section 276.104(a) of this Part, with one exception: the NO(x) measurement shall be determined by measuring nitrogen oxide and multiplying this value by 1.03. The measurement of nitrogen dioxide is not required.

(Source: Added SEP 28 1998 22 Ill. Reg. 18867, effective

Section 276.507 On-Road Remote Sensing Test Systems Functional Requirements and Performance Criteria

- a) The on-road remote sensing test equipment shall consist of the following:

- 1) an infrared SDM capable of measuring the concentration of HC, CO, and CO₂ present in an in-use vehicle;
- 2) a camera system that automatically photographs vehicle license plates;
- 3) a system that links each emission record to the correct vehicle license plate photograph; and
- 4) a laser based speed and acceleration measurement system.

- b) The Infrared SDM shall be of a design certified to meet the following accuracy requirements:

Pollutant	Range	Accuracy
HC	All	+ 150 ppm or + 15 percent of expected HC Concentration
CO	≤ 3.0 percent	+ 10 percent or 0.25 percent (Whichever is greater)

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>3.0 percent + 15 percent

- c) The speed and acceleration measurement system shall be of a design certified to measure vehicle speed to within ± 0.5 miles per hour and vehicle acceleration to within ± 0.3 miles per hour per second at the moment exhaust is measured.

(Source: Added at 22 Ill. Reg. 18867, effective SEP 28 1993)

Section 276.508 On-Board Diagnostic Test Systems Functional Requirements and Performance Criteria

The OBD test system shall meet the functional requirements specified in 40 CFR 85.2231, incorporated by reference in Section 276.104(c) of this Part.

(Source: Added at 22 Ill. Reg. 18867, effective SEP 28 1993)

SUBPART F: EQUIPMENT MAINTENANCE AND CALIBRATION

Section 276.601 Steady-State Idle Test Equipment Maintenance ---Steady-State Idle-Test-Equipment

All operators of exhaust gas analyzers shall conduct a preventive maintenance and quality control program consisting of the following elements:

- an HC hang-up check conducted prior to each test and after the last test of the day; HC hang-up shall not exceed 20 ppm HC prior to any test;
- visual inspection of all equipment prior to the first test of the day;
- performance of analyzer preventative maintenance (e.g., filter replacement, inspection and cleaning of probes, sample lines, water traps, etc.) according to manufacturer's recommended schedules and as needed; and
- all calibration and operating procedures specified in Section 276.602.

(Source: Amended at 22 Ill. Reg. 18867, effective SEP 28 1993)

Section 276.602 Steady-State Idle Test Equipment Calibration ---Steady-State Idle-Test-Equipment

All operators of steady-state idle test exhaust gas analyzers shall comply with the following calibration and operating procedures unless alternative procedures have been approved by the Agency:

- exhaust gas analyzers shall be warmed up prior to each vehicle inspection, zero check, span check, or calibration. Analyzers shall be considered to be in a warmed-up condition once stabilized zero

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readings (readings stabilize for one minute within ± 2 percent of full scale, low range on all 3 channels) are obtained.

General---Exhaust---Gas---Analyzer---Calibration---and---Operating---Requirements
All operators of exhaust gas analyzers shall comply with the following calibration and operating procedures, unless alternative procedures have been approved by the Agency:

- exhaust gas analyzers shall be warmed up prior to each vehicle inspection; zero check, span check, or calibration. Analyzers shall be considered to be in a warmed-up condition once stabilized zero readings (readings stabilize for one minute within $\pm 2\%$ of full scale, low range on all three channels) are obtained;
 - if the sampling flow restriction indicator is activated during any vehicle inspection, the inspection shall be discontinued. No new inspections shall be performed until necessary repairs to the exhaust gas analyzer have been completed;
 - exhaust gas analyzers shall be zeroed and spanned within 60 minutes of each vehicle inspection. Ambient air may be utilized as a zero gas. Either electronic or gas spanning may be utilized;
 - exhaust gas analyzers shall be tested for sampling system leaks prior to the first vehicle emissions inspection each day. Leak checks and gas span checks may be combined into one operation;
 - exhaust gas analyzers shall be gas spanned and adjusted (if the analyzer response exceeds $\pm 2\%$ of span gas value or exceeds $\pm 0.5\%$ EO and 6 ppm HC) prior to the first vehicle emissions inspection each day;
 - except as provided in subsection (a)(7) of this Section, gas spanning and adjustment shall be performed with a low range gas blend as specified in subsection (b) of this Section;
 - exhaust gas analyzers may be gas spanned and adjusted with high range gases provided that analyzers are immediately checked with low range gases to ensure compliance with 9-S. Environmental Protection Agency requirements as set forth in 40 CFR 857 Subpart W (1984);
 - multi-point calibration shall be performed within 30 days of each vehicle inspection; and
 - multi-point calibration shall be performed following the replacement of any optical or electronic components which may cause variation in measurements before the next vehicle inspection may be conducted.
- b) The analyzer shall conduct a zero and span check prior to each test. The span check shall include the HC, CO and CO[2] channels, and the NO and O[2] channels, if present. If zero and/or span drift cause the signal levels to move beyond the adjustment range of the analyzer, it shall lock out from testing.
Span---Calibration---and---Audit---Gases
All gases utilized for exhaust gas analyzer spanning calibration and

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auditing--shall--be--traceable--to--a--National--Institute--of--Standards--and--Technology--(NIST)--gas--2%.

c) The system shall lock out from testing if sample flow falls below 3 percent of full scale, or causes system response time to exceed 13 seconds to 90 percent of a step change in input, whichever is less.

d) A system leak check shall be performed within 4 hours before the test, and may be performed in conjunction with the gas calibration described in subsection (e)(1) of this Section. If a leak check is not performed within 4 hours or if the analyzer fails the leak check, the analyzer shall lock out from testing. The leak check shall be a procedure demonstrated to effectively check the sample hose and probe for leaks and shall be performed in accordance with good engineering practices. An error of more than +2 percent of the reading using low range span gas shall cause the analyzer to lock out from testing and shall require repair of leaks.

e) Gas Calibration

1) On each operating day, analyzers shall successfully pass a two-point gas calibration for HC, CO, and CO[2] and shall continually compensate for changes in barometric pressure. Calibration shall be checked within 4 hours before the test and the analyzer adjusted if the reading is more than 2 percent different from the span gas value. Gas calibration shall be accomplished by introducing span gas that meets the requirements of subsection (e)(3) of this Section into the analyzer through the calibration port. If the analyzer reads the span gas within the allowable tolerance range (i.e., the square root sum of the squares of the span gas tolerance described in subsection (e)(3) of this Section and the calibration tolerance, which shall be equal to 2 percent), no adjustment of the analyzer is necessary. The gas calibration procedure shall correct readings that exceed the allowable tolerance range to the center of the allowable tolerance range. The pressure in the sample cell shall be the same with the calibration gas flowing during calibration as with the sample gas flowing during sampling. If the system is not calibrated, or the system fails the calibration check, the analyzer shall lock out from testing.

2) A two point gas calibration procedure shall be followed. The span shall be accomplished at one of the following pairs of span points:

- A) Low
 300--ppm propane (HC)
 1.0--percent CO
 6.0--percent CO[2]
 1000--ppm nitric oxide (if equipped with NO)
 High
 1200--ppm propane (HC)

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4.0--percent CO
 12.0--percent CO[2]
 3000--ppm nitric oxide (if equipped with NO)

B) Low

0--ppm propane (HC)
 0.0--percent CO
 0.0--percent CO [2]
 0--ppm nitric oxide (if equipped with NO)

High

600--ppm propane (HC)
 1.6--percent CO
 11.0--percent CO[2]
 1200--ppm nitric oxide (if equipped with NO)

3) The span gases used for the gas calibration shall be traceable to NIST standards within two percent and shall be within two percent of the span points specified in subsection (e)(2) of this Section.

f) Other Checks

In addition to the other periodic checks described in this Section, those described in subsections (f)(1) and (f)(2) of this Section shall also be used to verify system performance under the special circumstances described therein.

1) Gas Calibration

A) Each time the analyzer electronic or optical systems are repaired or replaced, a gas calibration shall be performed prior to returning the unit to service.
 B) Monthly multi-point calibrations shall be performed. The calibration curve is checked at 20 percent, 40 percent, 60 percent, and 80 percent of full scale, and must be adjusted or repaired if the specifications in Section 276.503 are not met.

2) Leak Checks

Each time the sample line integrity is broken, a leak check shall be performed prior to testing.

(Source: Amended at 22 Ill. Reg. 18909, effective SEP 28 1998)

Section 276.603 Evaporative System Integrity Test Maintenance and Calibration---Evaporative-System-Integrity-Test-(Fuel-Cap-Leak-Flow-Tester)

Relevant-parameters-of--the--fuel-cap-leak-flow-tester-shall-be-inspected-and their-pass/fail-accuracy-shall-be-verified-at-the-beginning-of--each--operating day--and--after--five-hours-of-use-each-day--A-fuel-cap-leak-flow-tester-which fails-an-inspection-shall-be--removed--from--service--until--repaired--and--its

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accuracy-verified:**a) Applicability**

Relevant parameters of the fuel cap pressure decay tester and leak flow testers shall be inspected according to the procedures contained in this Section.

1) Pressure Decay Tester

A) The fuel cap pressure decay tester shall be checked for integrity at the beginning of each operating day and after 5 hours of use each day. If, after the fuel cap attachment end of the pressure decay tester is capped and pressurized to between 14 and 28 inches of water, the pressure system changes more than 0.2 inches of water over 15 seconds, the pressure decay tester shall be removed from service.

B) The pressure gauge for the pressure decay tester shall be checked on a weekly basis against a reference gauge. A pressure decay tester that has a deviation in the measured pressure exceeding 0.3 inches of water shall be removed from service.

2) Leak Flow Tester

A) The accuracy of the leak flow tester shall be verified by testing and correctly identifying the passing and failing reference fuel caps at the beginning of each operating day. Reference fuel caps shall be stored in a dirt and dust free manner to prevent clogging and changes in flow rate. Reference fuel caps shall be stored at the same temperature as the leak flow fuel cap tester to provide accurate flow reference.

B) Independent flow bench verification of the reference fuel caps and the internal flow standard orifice shall be conducted before initial usage and as recommended by the leak flow tester manufacturer or as suggested by analysis of quality control data. The bend flow verification results shall be traceable to NIST.

C) The upstream filter for the leak flow tester shall be maintained in accordance with manufacturer's specifications. Any fuel cap leak flow tester or pressure decay tester that fails an inspection shall be removed from service until repaired and its accuracy verified.

c) The fuel cap adapters shall be checked for leaks or damage following the recommendations of the fuel cap tester manufacturer or the fuel cap adapter supplier.

(Source: Amended at 22 Ill. Reg. **18867**, effective **SEP 28 1998**)

Section 276.605 Transient Loaded Mode Test Equipment Maintenance and Calibration

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a) General Requirements

The transient loaded mode test equipment shall meet the general maintenance and calibration requirements specified in 40 CFR 85.2234(a) (Draft), incorporated by reference in Section 276.104(a) of this Part.

b) Dynamometer

The dynamometer equipment shall meet the maintenance and calibration requirements specified in 40 CFR 85.2234(b) (Draft), incorporated by reference in Section 276.104(a) of this Part.

c) Constant Volume Sampler

The constant volume sampler test equipment shall meet the maintenance and calibration requirements specified in 40 CFR 85.2234(c) (Draft), incorporated by reference in Section 276.104(a) of this Part, with one exception: The bag sample check described in 40 CFR 85.2234(c)(6) (Draft), incorporated by reference in Section 276.104(b) of this Part, shall be performed during initial acceptance testing.

d) Analysis System

The transient loaded mode test analysis system shall meet the maintenance and calibration requirements specified in 40 CFR 85.2234(d) (Draft), incorporated by reference in Section 276.104(a) of this Part, with the following exceptions:

1) the zero and up-scale span points shall be checked at 2 hour instead of 3 hour intervals following the daily mid-scale curve check;

2) the NO(x) converter check and the NO/NO(x) flow balance are not required;

3) the integrator check as specified in 40 CFR 85.2234(d)(9) (Draft), incorporated by reference in Section 276.104(b) of this Part, is required; and

4) the interference check (laboratory testing) as specified in 40 CFR 85.2234(d)(11) (Draft), incorporated by reference in Section 276.104(b) of this Part, is required to be performed instead of the interference check specified in 40 CFR 85.2234(d)(11) (Draft), incorporated by reference in Section 276.104(a) of this Part.

e) Gases

The transient loaded mode test analysis system gases shall meet the calibration requirements specified in 40 CFR 85.2234(e) (Draft), incorporated by reference in Section 276.104(a) of this Part.

f) Overall System Performance

The overall system performance for the transient loaded mode test shall meet the requirements specified in 40 CFR 85.2234(f) (Draft), incorporated by reference in Section 276.104(a) of this Part.

g) Control Charts

The transient loaded mode test analysis system control charts shall meet the requirements specified in 40 CFR 85.2234(g) (Draft), incorporated by reference in Section 276.104(a) of this Part, with the following exception: combined control charts for all facilities will

be maintained.

(Source: Added at 22 Ill. Reg. 18867 effective SEP 28 1998)

Section 276.606 On-Road Remote Sensing Test Systems Maintenance and Calibration

- a) All equipment utilized for on-road remote sensing emission measurement shall be maintained and calibrated according to the manufacturer's specifications.
- b) The accuracy of the Infrared SDM shall be verified by measuring the concentration of tri-blend (CO[2], HC, CO) calibration gas released from a specially modified vehicle. A two point gas calibration procedure shall be followed. The span shall be accomplished at the following pair of span points:
- 300--ppm propane (HC)
 - 1.0--percent CO
 - 6.0--percent CO[2]
 - 1200--ppm propane (HC)
 - 4.0--percent CO
 - 12.0--percent CO[2]
- The Infrared SDM shall measure the span gas within the allowable tolerance range specified in Section 276.507(b) of this Part.

(Source: Added at 22 Ill. Reg. 18867, effective SEP 28 1998)

Section 276.607 On-Board Diagnostic Test Systems Maintenance and Calibration

All equipment utilized for OBD test systems shall be maintained and calibrated according to the manufacturer's specifications.

(Source: Added at 22 Ill. Reg. 18867 effective SEP 28 1998)

SUBPART G: FLEET SELF TESTING REQUIREMENTS

Section 276.701 General Requirements

- a) Any owner or lessee of a fleet of 15 or more vehicles subject to inspection may apply to the Agency for a permit to operate one or more Private Official Inspection (Stations Fleet Inspection Permit).
- b) Fleet #--a-fleet inventory vehicles vehicle-is-tested-at-an-Official Inspection-Station-pursuant-to-Section-276.703(f)(3)--it shall be required to receive the same emissions tests and-receive-the-same-test results as other vehicles tested at an Official Inspection Station, including-the-evaporative-system-integrity-test-in-accordance-with-the

~~provisions-of-Section-276.205--if-a-fleet-inventory-vehicle-is-tested at-a-Private-Official-Inspection-Station-it-shall-receive-an-exhaust emissions-test-and-a-visual-functional-fuel-cap-test. However, for a period not to exceed 5 years after implementation of the Enhanced I/M testing program as described in Section 276.101(b) of this Part, fleet self-testers who have been issued and maintain a valid fleet inspection permit ("fleet inspection permittees") prior to implementation of the Enhanced I/M testing program shall be allowed to conduct steady-state idle exhaust tests only on vehicles required to receive such tests under Section 13B-25(c) of the Vehicle Emissions Inspection Law of 1995 using currently approved steady-state idle test equipment and steady-state idle equipment maintenance and calibration procedures. This authority shall terminate for each such fleet inspection permittee prior to the expiration of this 5 year period if such permittee discontinues fleet self-testing. Beginning with the implementation of the Enhanced I/M testing program, fleet inspection permittees utilizing the authority of this subsection to conduct steady-state idle exhaust tests shall also conduct evaporative system integrity tests as described in Sections 276.205, 276.504 and 276.603 of this Part, and shall also conduct on-board diagnostic tests as described in Sections 276.209, 276.508, and 276.607 of this Part as applicable. Such fleet inspection permittees shall not substitute a steady-state idle exhaust test for the transient loaded mode exhaust test required to be performed on vehicles specified by Section 13B-25(b) of the Vehicle Emissions Inspection Law of 1995.~~

c) If the Agency substantially amends emissions inspection standards, procedures, or other requirements, it may require emissions inspectors to be re-certified and fleet self-testers to be re-permitted.

(Source: Amended at 22 Ill. Reg. 18867, effective SEP 28 1998)

Section 276.702 Fleet Inspection Permit

The Agency shall issue Fleet Inspection Permits to eligible applicants upon a showing of compliance with the following requirements:

- a) Equipment
- All fleet inspections shall be conducted utilizing equipment that meets the same functional requirements, performance criteria, maintenance standards, and calibration requirements as equipment used in Official Inspection Stations. ~~exhaust--gas-analyzers--and tachometers--Exhaust-gas-analyzers-shall-meet-the-requirements-set forth-in-Section-276.501-and-Subpart-P.~~
- b) Training
- Each fleet inspector shall be required to complete and pass a training course given by the Agency covering the following topics:
- 1) I/M rules and regulations;
 - 2) testing procedures;

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- 3) analyzer use;
 - 4) analyzer calibration and quality control; and
 - 5) data recording, record keeping and submittal.
- c) General Fleet Inspection Permit Requirements
- 1) Fleet Inspection Permits shall expire two years after the date of issuance.
 - 2) Fleet Inspection Permits are not transferable.
 - 3) Any change in the name and/or address of any permittee or any fleet inspector(s) employed by the permittee shall be reported to the Agency in writing on forms provided by the Agency within 30 days after of the change.
- d) Fleet Inspection Permit Suspension and Revocation
- For the following reasons, the Agency may suspend for a period of up to two years or revoke, with the permittee being ineligible to reapply for two years, a Fleet Inspection Permit:
- 1) the permittee has violated any provision of this rule;
 - 2) the permittee has provided false or misleading information in its application for a Fleet Inspection Permit;
 - 3) the permittee has failed to keep proper records as required by the Agency in that:
 - i) the permittee has failed to notify the Agency of a vehicle's emissions test results within 45 days after the date of inspection;
 - ii) the permittee has failed to notify the Agency that a vehicle has been deleted from its vehicle inventory within 60 days after the vehicle's disposal; or
 - iii) 20 percent of the vehicles in the permittee's fleet have expired compliance stickers or certificates;
 - 4) the permittee has misrepresented any information provided in fleet vehicle lists, vehicle inspection reports, and/or equipment maintenance and calibration reports;
 - 5) the number of vehicles subject to inspection in the permittee's fleet becomes less than 15.

(Source: Amended at 22 Ill. Reg. 18867, effective SEP 23 1988)

Section 276.703 Fleet Inspection Permittee Operating Requirements

- a) Vehicle Eligibility
- 1) The permittee shall furnish the Agency with a list of all vehicles subject to inspection and for which fleet inspection is requested. The Agency shall provide forms to the permittee for the purpose of establishing a fleet vehicle inventory and requesting vehicle inspection dates. The information shall be submitted to the Agency either on the forms supplied, or by electronic media in the format required by the Agency. When the Agency approves or denies the fleet vehicle inspection dates, it

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- shall notify the fleet tester and, if approved, provide test forms to the fleet for submission to the Agency after testing.
- 2) The permittee shall notify the Agency in writing on forms provided by the Agency or by electronic media in the format required by the Agency in the event that any vehicles in the fleet inventory are sold or otherwise removed from fleet service. This notification shall be made within 30 days after the end of the month the vehicle is removed from fleet service.
 - 3) Unless authorized by the Agency, vehicles contained in the fleet vehicle inventory pursuant to subsection (a) of this Section shall only be inspected at Private Official Inspection Stations. If authorization is given by the Agency for a vehicle contained in the fleet vehicle inventory to be tested or retested at an Official Inspection Station, any subsequent retests in that vehicle's testing cycle shall be conducted at an Official Inspection Station.
- b) Inspection Frequency/Scheduling
- All vehicles in the fleet inventory shall be inspected biennially. Upon Agency approval, the Assigned Test Months and sticker or compliance certificate expiration dates become compliance deadlines for use in program enforcement. Agency approval shall be based on the availability of personnel to audit the performance of inspections and the ability of the fleet operators to meet the proposed schedule (this will be determined by the number of vehicles to be inspected and the number of inspectors available).
- c) Inspection Reports and Stickers or Certificates
- 1) A Vehicle Inspection Report shall be submitted to the Agency for each vehicle that passes or fails an emissions inspection ~~or~~ qualifies--for-a-waiver. Inspection results shall be reported on forms provided by the Agency. Inspection results shall be submitted to the Agency within 45 days after the date of inspection.
 - 2) Following review and processing, the Agency shall validate inspection stickers or certificates for all vehicles complying with program requirements. If the Agency determines that a vehicle inspection report is deficient, a sticker or certificate will not be validated and it shall return the inspection report along with instructions to correct the identified deficiencies.
 - 3) The permittee shall be responsible for the security and accountability of all vehicle inspection stickers or certificates issued to the permittee. In the event of lost or stolen stickers or certificates, the permittee shall notify the Agency in writing within 10 ten business days. Failure to report missing stickers or certificates shall be grounds for suspension or revocation of a Fleet Inspection Permit.
 - 4) Inspection stickers or certificates shall be displayed or possessed in accordance with Section 276.310.

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- 5) The permittee shall retain a legible copy of each completed Vehicle Inspection Report for a minimum of two years after the date of inspection. The reports shall be made available for Agency review upon request during normal business hours.

d) Equipment, Maintenance and Calibration

- 1) All equipment used for emissions testing in Private Official Inspection Stations ~~exhaust-gas-analyzers-and-tachometers~~ shall meet the functional requirements and performance criteria contained in Subparts E and F of this Part. ~~be-maintained-in-good working-order-in-accordance-with-manufacturer's-specifications-~~
- 2) ~~All-exhaust-gas-analyzers-shall-be-calibrated-utilizing manufacturer-recommended-procedures-and-shall-be-gas-spanned pursuant-to-the-procedures-set-forth-in-Sections-276-601-and 276-602-~~

- 2) ~~3~~ The permittee shall keep records of all calibrations, leak checks, and other maintenance performed on emissions inspection equipment for two years. The records shall be retained at the fleet facility.

All records shall be kept on standardized forms provided by the Agency and shall be made available for Agency review upon request during normal business hours.

(Source: Amended at 22 Ill. Reg. 18867, effective SEP 28 1998)

Section 276.704 Private Official Inspection Station Auditing and Surveillance

The Agency may, on an unscheduled and unannounced basis, during normal business hours, conduct an audit inspection of any Private Official Inspection Stations to determine if inspection equipment is properly operating and calibrated, to review vehicle inspection reports and maintenance records, and to check inspector proficiency. During the course of the audit inspection, the Agency representative may take one or more of the following actions:

- a) require that if any vehicle emissions test equipment, calibration equipment, or related materials fails to perform as required, such item ~~if-an-exhaust-gas-analyzer-fails--an-Agency-span-gas-or-leak check--and-cannot-be-repaired-or-adjusted-immediately-the-analyzer shall be removed from service until corrective action is taken;~~
- b) ~~any-exhaust-gas-analyzer-or-calibration-gas-cylinder-not-meeting-the requirements-set-forth-in-Sections-276-601-and-276-602-shall-be removed-from-service-until-corrective-action-is-taken;~~
- b) ~~3~~ the fleet inspector may be required to perform an emissions inspection on a fleet vehicle. If no fleet vehicles are available, the fleet inspector may be required to perform an emissions inspection on an Agency vehicle.

(Source: Amended at 22 Ill. Reg. 18867, effective SEP 28 1998)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: GRIEVANCE PROCEDURE

Section 276.803 Agency Investigation

- a) The Director of the Agency or the Director's designee shall appoint an Agency employee to investigate every grievance regarding the failure of an emissions test or the denial of a waiver submitted to the Agency in accordance with this Part.
- b) The Agency's investigation shall be concluded within 45 days after the receipt of the grievance form.
- c) Within the 45 day investigation period, the Agency shall issue written notification to the petitioner, and affected inspector or station indicating the Agency's determination as to the correctness or incorrectness of the decision which precipitated the grievance. In conducting the investigation, the Agency may require the petitioner to present the vehicle for inspection by the Agency or its designated agent.

- d) The Agency's agency's written notification shall include a statement of the facts relied upon and the legal and technical issues decided by the Agency in making its determinations.

- e) The Agency's written notification may also require that an employee of the Agency or its designee: ~~include--an-order--directing--a-State inspector--~~

- 1) to issue an emissions inspection sticker or certificate;

- 2) to reinspect the vehicle;

- 3) to apply the standards that the Agency has determined to be applicable; or

- 4) to take any other action that the Agency deems to be appropriate.

(Source: Amended at 22 Ill. Reg. 18867, effective SEP 28 1998)

SUBPART I: NOTICES

Section 276.901 General Requirements

The Agency shall send an Initial Emissions Inspection Notice and, when appropriate, a Warning Notice to owners of vehicles subject to inspection which shall state the Assigned Test Month of the initial emissions inspection and be accompanied by a clear statement from the Agency that, based on vehicle records, the vehicle is subject to inspection under the Vehicle Emissions Inspection Law of 1995. A form accompanying the explanation will be provided to the vehicle owner to allow for correction of any information relied upon by the Agency.

(Source: Amended at 22 Ill. Reg. 18867, effective SEP 28 1998)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 276.902 Initial Emissions Inspection Notice

At least 15 days prior to the beginning of the Assigned Test Month, the Agency shall send an Initial Emissions Inspection Notice to the registered owner the vehicle requesting that the vehicle be tested during the Assigned Test Month. This Initial Emissions Inspection Notice shall include the following information:

- a) an Initial Emissions Inspection Sticker or Certificate, or a Corrected or Interim Emissions Inspection Sticker or Certificate, if required;
- b) addresses and operating hours of Official Inspection Stations;
- c) a form or card to be returned to the Agency indicating the reasons the owner believes that the vehicle should not be subject to inspection pursuant to the Vehicle Emissions Inspection Law of 1995, or cannot comply by the expiration date;
- d) brief explanation of program; and
- e) instructions for vehicle inspections.

(Source: Amended at 22 Ill. Reg. 18867, effective

SEP 28 1998)

Section 276.903 Warning Notice

If a vehicle has not complied with the provisions of the ~~Vehicle Emissions Inspection Law~~ or the Vehicle Emissions Inspection Law of 1995, as applicable, within two months before the sticker or certificate expiration date, the Agency shall send a Warning Notice to the vehicle's owner at the registration address currently on file with the Agency. The Warning Notice shall include the following information:

- a) the addresses of Official Inspection Stations near the registration address of the vehicle;
- b) a form or card to be returned to the Agency indicating the reasons the owner believes that the vehicle should not be subject to inspection under the Vehicle Emissions Inspection Law of 1995, or cannot comply by its expiration date; and
- c) a statement of potential penalties for failure to comply with the requirements of the ~~Vehicle Emissions Inspection Law~~ the Vehicle Emissions Inspection Law of 1995, or this Part, as applicable.

(Source: Amended at 22 Ill. Reg. 18867, effective

SEP 28 1998)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

Section 276. TABLE A Transient Driving Cycle

Time (second)	Speed (mph)
0	0
1	0
2	0
3	0
4	0
5	3
6	5.9
7	8.6
8	11.5
9	14.3
10	16.9
11	17.3
12	18.1
13	20.7
14	21.7
15	22.4
16	22.5
17	22.1
18	21.5
19	20.9
20	20.4
21	19.8
22	17.0
23	14.9
24	14.9
25	15.2
26	15.5
27	16.0
28	17.1
29	19.1
30	21.1
31	22.7
32	22.9
33	22.7
34	22.6
35	21.3
36	19.0
37	17.1
38	15.8
39	15.8
40	17.7
41	19.8
42	21.6
43	23.2

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

44 24.2
45 24.6
46 24.9
47 25.0
48 25.7
49 26.1
50 26.7
51 27.5
52 28.6
53 29.3
54 29.8
55 30.1
56 30.4
57 30.7
58 30.7
59 30.5
60 30.4
61 30.3
62 30.4
63 30.8
64 30.4
65 29.9
66 29.5
67 29.8
68 30.3
69 30.7
70 30.9
71 31.0
72 30.9
73 30.4
74 29.8
75 29.9
76 30.2
77 30.7
78 31.2
79 31.8
80 32.2
81 32.4
82 32.2
83 31.7
84 28.6
85 25.1
86 21.6
87 18.1
88 14.6
89 11.1
90 7.6
91 4.1

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

92 0.6
93 0
94 0
95 0
96 0
97 0
98 3.3
99 6.6
100 9.9
101 13.2
102 16.5
103 19.8
104 22.2
105 24.3
106 25.8
107 26.4
108 25.7
109 25.1
110 24.7
111 25.2
112 25.4
113 27.2
114 26.5
115 24.0
116 22.7
117 19.4
118 17.7
119 17.2
120 18.1
121 18.6
122 20.0
123 20.7
124 21.7
125 22.4
126 22.5
127 22.1
128 21.5
129 20.9
130 20.4
131 19.8
132 17.0
133 17.1
134 15.8
135 15.8
136 17.7
137 19.8
138 21.6
139 22.2

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

140 24.5
141 24.7
142 24.8
143 24.7
144 24.6
145 24.6
146 25.1
147 25.6
148 25.7
149 25.4
150 24.9
151 25.0
152 25.4
153 26.0
154 26.0
155 25.7
156 26.1
157 26.7
158 27.3
159 30.5
160 33.5
161 36.2
162 37.3
163 39.3
164 40.5
165 42.1
166 43.5
167 45.1
168 46.0
169 46.8
170 47.5
171 47.5
172 47.3
173 47.2
174 47.2
175 47.4
176 47.9
177 48.5
178 49.1
179 49.5
180 50.0
181 50.6
182 51.0
183 51.5
184 52.2
185 53.2
186 54.1
187 54.6

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENTS

188 54.9
189 55.0
190 54.9
191 54.6
192 54.6
193 54.8
194 55.1
195 55.5
196 55.7
197 56.1
198 56.3
199 56.6
200 56.7
201 56.7
202 56.3
203 56.0
204 55.0
205 53.4
206 51.6
207 51.8
208 52.1
209 52.5
210 53.0
211 53.5
212 54.0
213 54.9
214 55.4
215 55.6
216 56.0
217 56.0
218 55.8
219 55.2
220 54.5
221 53.6
222 52.5
223 51.5
224 50.5
225 48.0
226 44.5
227 41.0
228 37.5
229 34.0
230 30.5
231 27.0
232 23.5
233 20.0
234 16.5
235 13.0

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236 9.5
237 6.0
238 2.5
239 0

(Source: Added at 22 Ill. Reg. 150.07, effective SEP 28 1998)

ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF ADOPTED AMENDMENTS

Section 276. TABLE B Fast-Pass Speed Variation Limits Using Positive Kinetic Energy (PKE) Measurements

Cumulative PKE Limits

Second	Lower	Upper
30	4621	7359
31	4820	7684
32	4650	7380
33	4446	7045
34	4261	6739
35	4100	6474
36	3968	6254
37	3856	6068
38	3759	5905
39	3667	5750
40	3849	6026
41	4074	6367
42	4258	6643
43	4409	6867
44	4451	6920
45	4383	6802
46	4300	6663
47	4188	6478
48	4183	6460
49	4128	6364
50	4109	6323
51	4124	6336
52	4190	6426
53	4186	6410
54	4150	6343
55	4082	6228
56	4017	6119
57	3956	6015
58	3851	5846
59	3752	5686
60	3659	5535
61	3571	5393
62	3501	5278
63	3474	5230
64	3397	5104
65	3323	4985
66	3255	4874
67	3225	4821
68	3220	4806
69	3204	4774

ENVIRONMENTAL PROTECTION AGENCY

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70	3164	4707
71	3114	4624
72	3055	4529
73	2999	4438
74	2946	4352
75	2906	4285
76	2887	4251
77	2890	4248
78	2893	4245
79	2907	4258
80	2899	4239
81	2871	4191
82	2824	4116
83	2779	4044
84	2740	3980
85	2708	3926
86	2680	3880
87	2658	3842
88	2642	3811
89	2630	3787
90	2622	3770
91	2619	3760
92	2621	3756
93	2624	3754
94	2627	3751
95	2629	3749
96	2632	3746
97	2634	3743
98	2649	3757
99	2691	3811
100	2760	3902
101	2856	4031
102	2978	4196
103	3125	4396
104	3238	4547
105	3342	4685
106	3409	4772
107	3415	4771
108	3378	4712
109	3344	4656
110	3310	4602
111	3310	4594
112	3290	4558
113	3377	4672
114	3342	4616
115	3312	4566
116	3284	4520
117	3261	4481

ENVIRONMENTAL PROTECTION AGENCY

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118	3241	4445
119	3221	4411
120	3240	4429
121	3241	4423
122	3284	4474
123	3294	4481
124	3320	4509
125	3331	4516
126	3311	4481
127	3286	4440
128	3262	4401
129	3240	4364
130	3219	4327
131	3198	4293
132	3181	4263
133	3168	4239
134	3153	4211
135	3138	4184
136	3192	4248
137	3259	4330
138	3318	4402
139	3324	4403
140	3414	4515
141	3399	4487
142	3379	4453
143	3354	4413
144	3329	4373
145	3305	4334
146	3306	4329
147	3308	4323
148	3288	4291
149	3265	4253
150	3242	4216
151	3224	4186
152	3221	4175
153	3228	4177
154	3205	4141
155	3183	4105
156	3181	4095
157	3188	4098
158	3195	4101
159	3343	4283
160	3491	4465
161	3630	4636
162	3668	4676
163	3769	4796
164	3814	4847
165	3890	4934

ENVIRONMENTAL PROTECTION AGENCY

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166	3951	5004
167	4029	5094
168	4053	5116
169	4069	5127
170	4077	5129
171	4031	5063
172	3986	4998
173	3942	4935
174	3899	4874
175	3872	4832
176	3868	4818
177	3871	4814
178	3874	4810
179	3862	4787
180	3858	4774
181	3861	4771
182	3850	4749
183	3846	4736
184	3857	4742
185	3890	4774
186	3916	4798
187	3911	4784
188	3892	4753
189	3858	4704
190	3818	4647
191	3779	4592
192	3740	4538
193	3717	4502
194	3701	4475
195	3692	4458
196	3670	4423
197	3662	4406
198	3640	4373
199	3625	4348
200	3597	4307
201	3563	4259
202	3530	4213
203	3498	4167
204	3467	4123
205	3437	4082
206	3409	4042
207	3393	4016
208	3384	3998
209	3380	3987
210	3382	3984
211	3384	3980
212	3387	3976
213	3412	3999

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214	3414	3995
215	3399	3970
216	3395	3959
217	3368	3921
218	3341	3884
219	3316	3848
220	3291	3813
221	3267	3778
222	3243	3746
223	3221	3714
224	3200	3683
225	3180	3654
226	3162	3627
227	3145	3603
228	3131	3580
229	3118	3560
230	3107	3541
231	3096	3525
232	3090	3510
233	3084	3496
234	3079	3487
235	3076	3478
236	3075	3470
237	3075	3465
238	3077	3461
239	3079	3458

(Source: Added at 22 Ill. Reg. effective
SEP 28 1998)

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DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Aid to the Aged, Blind or Disabled
- 2) Code Citation: 89 Ill. Adm. Code 113
- 3) Section Numbers: Adopted Action:
113.320 Amendment
- 4) Statutory Authority: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III and 12-13].
- 5) Effective Date of Amendments: October 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 26, 1998 (22 Ill. Reg. 10961)
- 10) Has JCAR Issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed amendments:
 1. The Subpart Heading was added at the beginning of the Section.
 2. In Section 113.320(b)(1), "Receipt" was changed to the lower case and "lump sum" was hyphenated.

No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these amendments replace an emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
113.157	Amendment	22 Ill. Reg. 11266
113.158	New Section	22 Ill. Reg. 11266
113.309	Repeal	22 Ill. Reg. 16131

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 15) Summary and Purpose of Rule: These amendments revise the frequency of redeterminations for AABD (non-group care) clients. Currently, AABD eligibility for clients residing in shelter care homes must be redetermined every 6 months. This rulemaking changes the frequency of redeterminations to every 12 months for these recipients. As a result of these amendments, the frequency of redeterminations for AABD (non-group care) clients now corresponds with the frequency of redeterminations for other AABD clients.
- 16) Information and answers to questions regarding these adopted amendments shall be directed to:

Mrs. Susan Warner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 113

AID TO THE AGED, BLIND OR DISABLED

SUBPART A: GENERAL PROVISIONS

Section

113.1 Description of the Assistance Program.
 113.5 Incorporation By Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

113.9 Client Cooperation
 113.10 Citizenship
 113.20 Residence
 113.30 Age
 113.40 Blind
 113.50 Disabled
 113.60 Living Arrangement
 113.70 Institutional Status
 113.80 Social Security Number

SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section

113.100 Unearned Income
 113.101 Budgeting Unearned Income
 113.102 Budgeting Unearned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
 113.103 Initial Receipt of Unearned Income
 113.104 Termination of Unearned Income
 113.105 Unearned Income In-Kind
 113.106 Earmarked Income
 113.107 Lump Sum Payments and Income Tax Refunds
 113.108 Protected Income (Repealed)
 113.109 Earned Income (Repealed)
 113.110 Budgeting Earned Income (Repealed)
 113.111 Protected Income
 113.112 Earned Income
 113.113 Exempt Unearned Income
 113.114 Budgeting Earned Income of Applicants Receiving Income On Date of Application And/Or Date of Decision
 113.115 Initial Employment

DEPARTMENT OF HUMAN SERVICES

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113.116 Budgeting Earned Income For Contractual Employees
 113.117 Budgeting Earned Income For Non-contractual School Employees
 113.118 Termination of Employment
 113.120 Exempt Earned Income
 113.125 Recognized Employment Expenses
 113.130 Income From Work/Study/Training Programs
 113.131 Earned Income From Self-Employment
 113.132 Earned Income From Roomer and Boarder
 113.133 Earned Income From Rental Property
 113.134 Earned Income In-Kind
 113.139 Payments from the Illinois Department of Children and Family Services
 113.140 Assets
 113.141 Exempt Assets
 113.142 Asset Disregard
 113.143 Deferral of Consideration of Assets
 113.154 Property Transfers For Applications Filed Prior To October 1, 1989 (Repealed)
 113.155 Property Transfers For Applications Filed On Or After October 1, 1989 (Repealed)
 113.156 Court Ordered Child Support Payments of Parent/Step-Parent
 113.157 Sponsors of Aliens
 113.160 Assignment of Medical Support Rights

SUBPART D: PAYMENT AMOUNTS

Section

113.245 Payment Levels for AABD
 113.246 Personal Allowance
 113.247 Personal Allowance Amounts
 113.248 Shelter
 113.249 Utilities and Heating Fuel
 113.250 Laundry
 113.251 Telephone
 113.252 Transportation, Lunches, Special Fees
 113.253 Allowances for Increase in SSI Benefits
 113.254 Nursing Care or Personal Care in Home Not Subject to Licensing
 113.255 Sheltered Care in a Licensed Group Care Facility
 113.256 Shopping Allowance
 113.257 Special Allowances for Blind and Partially Sighted (Blind Only)
 113.258 Home Delivered Meals
 113.259 AABD Fuel and Utility Allowances By Area
 113.260 Sheltered Care Rates
 113.261 Cases in Licensed Intermediate Care Facilities, Licensed Skilled Nursing Facilities, DMHDD Facilities and All Other Licensed Medical Facilities
 113.262 Meeting the Needs of an Ineligible Dependent with Client's Income

SUBPART E: OTHER PROVISIONS

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section
 113.300 Persons Who May Be Included In the Assistance Unit
 113.301 Grandfathered Cases
 113.302 Interim Assistance (Repealed)
 113.303 Special Needs Authorizations
 113.304 Retrospective Budgeting
 113.305 Budgeting Schedule
 113.306 Purchase and Repair of Household Furniture (Repealed)
 113.307 Property Repairs and Maintenance
 113.308 Excess Shelter Allowance
 113.309 Limitation on Amount of AABD Assistance to Recipients from Other States
 113.320 Redetermination of Eligibility
 113.330 Attorney's Fees for VA Appellants (Repealed)

SUBPART F: INTERIM ASSISTANCE

Section
 113.400 Description of the Interim Assistance Program
 113.405 Pending SSI Application (Repealed)
 113.410 More Likely Than Not Eligible for SSI (Repealed)
 113.415 Non-Financial Factors of Eligibility (Repealed)
 113.420 Financial Factors of Eligibility (Repealed)
 113.425 Payment Levels for Chicago Interim Assistance Cases (Repealed)
 113.430 Payment Levels for all Interim Assistance Cases Outside Chicago (Repealed)
 113.435 Medical Eligibility (Repealed)
 113.440 Attorney's Fees for SSI Applicants (Repealed)
 113.445 Advocacy Program for Persons Receiving Interim Assistance (Repealed)
 113.450 Limitation on Amount of Interim Assistance to Recipients from Other States (Repealed)
 113.500 Attorney's Fees for SSI Appellants (Renumbered)

AUTHORITY: Implementing Article III and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. III and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; emergency expired January 28, 1979; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6,

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 10, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 9367, effective August 1, 1983; amended at 7 Ill. Reg. 17351, effective December 21, 1983; amended at 8 Ill. Reg. 537, effective December 30, 1983; amended at 8 Ill. Reg. 5225, effective April 9, 1984; amended at 8 Ill. Reg. 6746, effective April 27, 1984; amended at 8 Ill. Reg. 11414, effective June 27, 1984; amended at 8 Ill. Reg. 13273, effective July 16, 1984; amended (by Sections being codified with no substantive change) at 8 Ill. Reg. 17895; amended at 8 Ill. Reg. 18896, effective September 26, 1984; amended at 9 Ill. Reg. 5335, effective April 5, 1985; amended at 9 Ill. Reg. 8166, effective May 17, 1985;

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amended at 9 Ill. Reg. 8657, effective May 25, 1985; amended at 9 Ill. Reg. 11302, effective July 5, 1985; amended at 9 Ill. Reg. 11636, effective July 8, 1985; amended at 9 Ill. Reg. 11991, effective July 12, 1985; amended at 9 Ill. Reg. 12806, effective August 9, 1985; amended at 9 Ill. Reg. 15896, effective October 4, 1985; amended at 9 Ill. Reg. 16291, effective October 10, 1985; emergency amendment at 10 Ill. Reg. 364, effective January 1, 1986; amended at 10 Ill. Reg. 1183, effective January 10, 1986; amended at 10 Ill. Reg. 6956, effective April 16, 1986; amended at 10 Ill. Reg. 8794, effective May 12, 1986; amended at 10 Ill. Reg. 10628, effective June 3, 1986; amended at 10 Ill. Reg. 11920, effective July 3, 1986; amended at 10 Ill. Reg. 15110, effective September 5, 1986; amended at 10 Ill. Reg. 15631, effective September 19, 1986; amended at 11 Ill. Reg. 3150, effective February 6, 1987; amended at 11 Ill. Reg. 8712, effective April 20, 1987; amended at 11 Ill. Reg. 9919, effective May 15, 1987; emergency amendment at 11 Ill. Reg. 12441, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20880, effective December 14, 1987; amended at 12 Ill. Reg. 867, effective January 1, 1988; amended at 12 Ill. Reg. 2137, effective January 11, 1988; amended at 12 Ill. Reg. 3497, effective January 22, 1988; amended at 12 Ill. Reg. 5642, effective March 15, 1988; amended at 12 Ill. Reg. 6151, effective March 22, 1988; amended at 12 Ill. Reg. 7687, effective April 22, 1988; amended at 12 Ill. Reg. 8662, effective May 13, 1988; amended at 12 Ill. Reg. 9023, effective May 20, 1988; amended at 12 Ill. Reg. 9669, effective May 24, 1988; emergency amendment at 12 Ill. Reg. 11828, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 14162, effective August 30, 1988; amended at 12 Ill. Reg. 17849, effective October 25, 1988; amended at 13 Ill. Reg. 63, effective January 1, 1989; emergency amendment at 13 Ill. Reg. 3402, effective March 3, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 6007, effective April 14, 1989; amended at 13 Ill. Reg. 12553, effective July 12, 1989; amended at 13 Ill. Reg. 13609, effective August 11, 1989; emergency amendment at 13 Ill. Reg. 14467, effective September 1, 1989, for a maximum of 150 days; emergency amendment at 13 Ill. Reg. 16154, effective October 2, 1989, for a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 720, effective January 1, 1990; amended at 14 Ill. Reg. 6321, effective April 16, 1990; amended at 14 Ill. Reg. 13187, effective August 6, 1990; amended at 14 Ill. Reg. 14806, effective September 3, 1990; amended at 14 Ill. Reg. 16957, effective September 30, 1990; amended at 15 Ill. Reg. 277, effective January 1, 1991; emergency amendment at 15 Ill. Reg. 1111, effective January 10, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 5291, effective April 1, 1991; amended at 15 Ill. Reg. 5698, effective April 10, 1991; amended at 15 Ill. Reg. 7104, effective April 30, 1991; amended at 15 Ill. Reg. 11142, effective July 22, 1991; amended at 15 Ill. Reg. 11948, effective August 12, 1991; amended at 15 Ill. Reg. 14073, effective September 11, 1991; emergency amendment at 15 Ill. Reg. 15119, effective October 7, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16709, effective November 1, 1991; amended at 16 Ill. Reg. 3468, effective February 20, 1992; amended at 16 Ill. Reg. 9986, effective June 15, 1992; amended at 16 Ill. Reg. 11565, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 13641, effective September 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14722, effective September 15,

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1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17154, effective November 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 17764, effective November 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 827, effective January 15, 1993; amended at 17 Ill. Reg. 2263, effective February 15, 1993; amended at 17 Ill. Reg. 3202, effective February 26, 1993; amended at 17 Ill. Reg. 4322, effective March 22, 1993; amended at 17 Ill. Reg. 6804, effective April 21, 1993; amended at 17 Ill. Reg. 14612, effective August 26, 1993; amended at 18 Ill. Reg. 2018, effective January 21, 1994; amended at 18 Ill. Reg. 7759, effective May 5, 1994; amended at 18 Ill. Reg. 12818, effective August 5, 1994; amended at 19 Ill. Reg. 1052, effective January 26, 1995; amended at 19 Ill. Reg. 2875, effective February 24, 1995; amended at 19 Ill. Reg. 6639, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 8409, effective June 9, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15034, effective October 17, 1995; amended at 20 Ill. Reg. 858, effective December 29, 1995; emergency amendment at 21 Ill. Reg. 673, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 7404, effective May 31, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 22 Ill. Reg. 13642, effective July 15, 1998; emergency amendment at 22 Ill. Reg. 16348, effective September 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 18931, effective Oct 01 1998.

SUBPART E: OTHER PROVISIONS

Section 113.320 Redetermination of Eligibility

a) AABD (Non-Group Care)

It is the Department's responsibility to determine the continued eligibility of all recipients of assistance and it is the recipient's responsibility to cooperate in the redetermination of eligibility. A redetermination of eligibility shall be conducted every 12 ~~six~~ months.

b) AABD (Group Care)

- 1) If receipt ~~Receipt~~ of a lump-sum ~~lump-sum~~ payment is reported, a redetermination is to be completed within thirty-~~30~~ days.
- 2) For recipients in group care and shelter care facilities, a redetermination of continued eligibility is to include a review of each recipient's personal allowance funds and room and board accounts.

(Source: Amended at 22 Ill. Reg. 18931, effective Oct 01 1998)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Collections and Recoveries

- 2) Code Citation: 89 Ill. Adm. Code 165

- 3) Section Numbers: Adopted Action:
165.10 Amendment

- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ICS 5/Art. III and 12-13]

- 5) Effective Date of Amendments: October 1, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Do these amendments contain incorporations by reference? No

- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: June 26, 1998 (22 Ill. Reg. 10969)

- 10) Has JCAR Issued a Statement of Objections to this Rule? No

- 11) Difference(s) between proposal and final version: The following changes were made in the text of the proposed amendments:

1. In Section 165.10, the comma after "food stamp benefits" was struck and "Food Stamp Program" was changed to the lower case.

2. In Section 165.10(a) and (b), "Subparts" was changed to "Subpart".

No other changes have been made in the text of the proposed amendments.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will these amendments replace an emergency amendments currently in effect?
No

- 14) Are there any amendments pending on this Part: No

- 15) Summary and Purpose of Rule(s): These amendments make a change in the provisions for collections and recoveries. This change is being made to save administrative costs associated with establishing claims for small amounts. As a result of this rulemaking, if a food stamp overpayment is \$125.00 or less and the household is no longer participating in the food

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stamp program, no action will be taken to recover the overpayment.

- 16) Information and answers to questions regarding these adopted amendments shall be directed to:

Mrs. Susan Warrner Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER f: COLLECTIONS

PART 165

COLLECTIONS AND RECOVERIES

SUBPART A: GENERAL OVERPAYMENT PROVISIONS

Section

- 165.1 Incorporation By Reference
- 165.10 Overpayments
- 165.20 Determination of Financial Assistance Overpayments
- 165.30 Types of Food Stamp Overpayment Claims
- 165.40 Determination of Food Stamp Overpayments
- 165.42 Establishment of Claims for Food Stamp Overpayments
- 165.50 Suspension and Termination of Food Stamp Claims

SUBPART B: COLLECTION OF FINANCIAL ASSISTANCE
OVERPAYMENTS FROM CURRENT CASES

Section

- 165.70 Recoupment of Overpayments from Current Temporary Assistance to Needy Families (TANF), Aid to the Aged, Blind or Disabled (AABD) and General Assistance (GA) Cases

SUBPART C: COLLECTION OF FOOD STAMP OVERPAYMENTS FROM
CURRENTLY PARTICIPATING HOUSEHOLDS

Section

- 165.80 Initiating Collection from Currently Participating Households
- 165.82 Methods of Food Stamp Claim Repayment
- 165.84 Determination of Monthly Benefit Reduction Amount
- 165.86 Failure to Respond to Initial Demand Letter
- 165.88 Failure to Comply with Repayment Schedule

SUBPART D: COLLECTION OF OVERPAYMENTS FROM NON-RECIPIENTS

Section

- 165.100 Collection of Overpayments from Persons Not Receiving Financial Assistance or Food Stamps
- 165.102 Demand for Repayment
- 165.104 Methods of Involuntary Repayment
- 165.106 Effect of Return to Active Assistance Status

AUTHORITY: Implementing and authorized by Sections 11-18, 12-4.4 and 12-13 of the Illinois Public Aid Code [305 ILCS 5/11-18, 12-4.4 and 12-13].

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SOURCE: Recodified from 89 Ill. Adm. Code 102.100 and 102.110 and 89 Ill. Adm. Code 121.200 through 121.208 at 10 Ill. Reg. 21094; amended at 11 Ill. Reg. 10604, effective May 29, 1987; amended at 12 Ill. Reg. 18192, effective November 4, 1988; amended at 13 Ill. Reg. 3843, effective March 17, 1989; amended at 17 Ill. Reg. 8187, effective May 24, 1993; amended at 17 Ill. Reg. 18113, effective September 29, 1993; emergency amendment at 20 Ill. Reg. 13376, effective October 1, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3151, effective February 28, 1997; emergency amendments at 21 Ill. Reg. 8607, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15502, effective November 26, 1997; amended at 22 Ill. Reg. 18339, effective 06/01/1998.

SUBPART A: GENERAL OVERPAYMENT PROVISIONS

Section 165.10 Overpayments

An overpayment is financial assistance, food stamp benefits, or both, issued in error to or in behalf of a client. The Illinois Department of ~~Public Aid~~ Human Services (Department) ~~shall initiate~~ initiates action to recover all overpayments, whether or not a client is currently eligible for financial assistance, food stamp benefits or both. If a food stamp overpayment is \$125.00 or less and the household is no longer participating in the food stamp program, no action is taken to recover the overpayment.

- a) If a person currently receives assistance of the type in which the overpayment occurred, the overpayment shall be collected under ~~Subparts~~ Subpart B or C, as the case may be, of this Part.
- b) If a family currently participating in the Temporary Assistance for Needy Families (TANF) program has received an overpayment of AFDC or TANF, and has not repaid the money, the overpayment shall be collected under ~~Subparts~~ Subpart B or C, as the case may be, of this Part.
- c) If a person (including a person who receives only medical assistance) does not currently receive assistance of the type in which the overpayment occurred, the overpayment shall be collected under Subpart D of this Part.

(Source: Amended 06/01/1998 at 22 Ill. Reg. 18339, effective 06/01/1998)

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NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Drug Abuse Programs

2) Code Citation: 77 Ill. Adm. Code 2055

Section Numbers:	Adopted Action:
2055.10	Repealed
2055.20	Repealed
2055.30	Repealed
2055.40	Repealed
2055.50	Repealed
2055.110	Repealed
2055.120	Repealed
2055.210	Repealed
2055.220	Repealed
2055.310	Repealed
2055.320	Repealed
2055.330	Repealed
2055.410	Repealed
2055.420	Repealed
2055.430	Repealed
2055.440	Repealed
2055.450	Repealed
2055.460	Repealed
2055.470	Repealed
2055.480	Repealed
2055.490	Repealed
2055.495	Repealed
2055.510	Repealed
2055.520	Repealed
2055.530	Repealed
2055.710	Repealed
2055.App. A	Repealed
2055.App. B	Repealed
2055.App. C	Repealed

4) Statutory Authority: Implementing and authorized by Sections 28 and 29 of the Alcoholism and Substance Abuse Act (Ill. Rev. Stat. 1984 Supp., ch. 111 1/2, pars. 6328 and 6329).

5) Effective Date of Repealer: October 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rule (amendment, repealer) contain incorporations by reference?
No

8) The adopted repealer is on file in the Department of Human Services principal office and is available for public inspection.

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED REPEALER

9) Notice of Proposal Published in Illinois Register:

May 29, 1998, 22 Ill. Reg. 9020
(issue date)

10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rule(s): Part 2055 "Drug Abuse Programs" has been superseded by other rules adopted by the Department of Human Services, Office of Alcoholism and Substance Abuse. This action would repeal this Part.

16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Phone: (217) 785-9772
TTY: (217) 557-1547

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Provider Requirements, Type Services, and Rates of Payment
- 2) Code Citation: 89 Ill. Adm. Code 686
- 3) Section Numbers: Adopted Action:
686.10 Amendment
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Amendments: October 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: May 15, 1998, 22 Ill. Reg. 8272
- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an Emergency Rule(s) currently in effect? No
- 14) Are there any amendments pending on this Part: Yes

Section Numbers	Proposed Action	Illinois Register Citation
686.25	New Section	22 Ill. Reg. 14518
686.250	New Section	22 Ill. Reg. 14518
686.260	New Section	22 Ill. Reg. 14518
686.270	New Section	22 Ill. Reg. 14518
686.280	New Section	22 Ill. Reg. 14518
686.900	New Section	22 Ill. Reg. 7832
686.910	New Section	22 Ill. Reg. 7832
686.920	New Section	22 Ill. Reg. 7832
686.930	New Section	22 Ill. Reg. 7832
686.940	New Section	22 Ill. Reg. 7832

- 15) Summary and Purpose of Rule(s): The Department of Human Services is

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amending Section 686.10(h)(6) to increase the circumstances in which the customer's P.A. services can be provided in instances previously not allowed. The amendment eliminates instances where the rules limited the activities the customer could undertake by not allowing these services to be reimbursed by DHS - Home Services Program (HSP). Specifically, this amendment will make the Personal Assistants (PA) Service available to the customer while he/she is at work, traveling outside the home and for persons with the most severe disabilities, while he/she is hospitalized. This revision removes any disincentives to employment by allowing PA to provide personal care while the eligible customer is at work. The amendment also increases the individual's freedoms by allowing PA service included in the Service plan to be provided when the customer travels away from the home. This will allow customers traveling to conventions, vacations, and for work, to continue to receive the personal care services described in the HSP service plan.

Section 686.10(1) is being amended to add a new requirement which would inform the P.A. that he/she may be asked by the customer to give permission for the customer to request a conviction background check on the prospective P.A.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
(217) 785-9772
TTY: (217) 557-1547

The full text of Adopted Amendment(s) begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER d: HOME SERVICES PROGRAM

PART 686

PROVIDER REQUIREMENTS, TYPE SERVICES, AND RATES OF PAYMENT

SUBPART A: PERSONAL ASSISTANTS

Section

686.10 Personal Assistant (PA) Requirements
 686.20 Services Which May Be Provided by a PA
 686.30 Annual Review of PA Performance
 686.40 Payment for PA Services

SUBPART B: ADULT DAY CARE PROVIDERS

Section

686.100 Adult Day Care (ADC) Provider Requirements
 686.110 Services Which Must Be Provided by ADC Providers
 686.120 Annual Compliance Review of ADC Providers
 686.130 Appeal of Compliance Review for ADC Providers
 686.140 Payment for ADC Services

SUBPART C: HOMEMAKER SERVICES

Section

686.200 Homemaker Service Provider Requirements
 686.210 Services Which Must Be Provided by Homemaker Agencies
 686.220 Annual Compliance Review of Homemaker Agencies
 686.230 Appeal of Compliance Review for Homemaker Agencies
 686.240 Payment for Homemaker Services

SUBPART D: ELECTRONIC HOME RESPONSE SERVICES

Section

686.300 Electronic Home Response Services (EHRs) Provider Requirements
 686.310 Services Which Must Be Provided by EHRs Providers
 686.320 Minimum Specifications for EHRs Equipment
 686.330 Annual Compliance Review of EHRs Providers
 686.340 Appeal of Compliance Review for EHRs Providers
 686.350 Rate of Payment for EHRs Services

SUBPART E: MAINTENANCE HOME HEALTH SERVICE

Section

686.400 Maintenance Home Health Provider Requirements
 686.410 Rate of Payment for Maintenance Home Health Services

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SUBPART F: HOME DELIVERED MEALS

Section
 686.500 Home Delivered Meals Provider Requirements
 686.510 Rate of Payment for Home Delivered Meals

SUBPART G: ENVIRONMENTAL MODIFICATION

Section

686.600 Environmental Modification Provider Requirements
 686.610 Cost of Environmental Modification
 686.620 Permanency of Environmental Modification
 686.630 Reason for Denial of Environmental Modification
 686.640 Verification of Environmental Modification

SUBPART H: ASSISTIVE EQUIPMENT

Section

686.700 Assistive Equipment Provider Requirements
 686.710 Provision of Assistive Equipment
 686.720 Verification of Receipt of Assistive Equipment

SUBPART I: RESPITE CARE

Section

686.800 Respite Care Provider Requirements

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5104, effective March 21, 1995; amended at 20 Ill. Reg. 12479, effective August 28, 1996; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 10945, effective 04-01-1996.

SUBPART A: PERSONAL ASSISTANTS

Section 686.10 Personal Assistant (PA) Requirements

In order to be employed by a customer as a PA (89 Ill. Adm. Code 676.30(q)), an individual must:

- have a Social Security number and provide DHS with documented verification of this number;
- be a minor between 14 and 16 years of age who is not employed during school hours, has an employment certificate and meets all other requirements of the Child Labor Law [820 ILCS 205] and has an adult who is at least 21 years of age and who is legally responsible for the customer who will supervise the PA; be 16 years of age or older,

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- enrolled in school and not employed during school hours; or be 17 years of age or older and not enrolled in school;
- c) have provided to the customer at least two written or verbal recommendations from present or former employers, the recommendation of a Center for Independent Living (CIL), or, if never employed, references from at least two non-relatives;
 - d) be able to communicate with the customer to the satisfaction of the customer and counselor;
 - e) be able to follow directions to the satisfaction of the customer and counselor;
 - f) have previous experience and/or training that is adequate and consistent with the specific tasks required for safe and adequate care of the customer;
 - g) if the customer has a contagious infectious disease, have a physician, health care institution (i.e., hospital, nursing home, home health agency), or CIL certify, in writing, that he/she has the knowledge of precautionary procedures for the control of contagious infectious diseases, if it is anticipated that he/she will come into contact with bodily fluids, or be evaluated by a Registered Nurse licensed pursuant to the Illinois Nursing Act of 1987 [225 ILCS 65] to determine that he/she has knowledge of such procedures;
 - h) complete a Client/Provider Agreement (IL 488-1947) (the IL 488-1947 is signed by the customer and PA showing mutual acceptance) which certifies the PA:
 - 1) shall provide services to the individual in accordance with his/her Service Plan (IL 499-1049) (89 Ill. Adm. Code 676.30(u) 676-204t));
 - 2) submit a monthly calendar listing actual hours worked each pay period (1-15; 16-last working day of the month), as verified by the customer and in accordance with the number of hours authorized by DHS. The PA shall not claim more hours than approved by DHS unless prior approval has been granted by the counselor to address a temporary increased service need;
 - 3) shall make available to DHS and other designated agencies those records described in subsection (h)(2) above;
 - 4) shall maintain all customer information as confidential and not for release, either in writing or verbally, to anyone other than those designated by DHS in writing;
 - 5) shall not subcontract to any other person any of the services he/she has agreed to provide;
 - 6) shall provide services only while the individual is in his/her home and--report-to-DHS-any-absence-of-the-customer-from-his/her home-(09-111-Adm-Code-676-204t) or during the period covered by Section 684.60 (Provision of Services) a-Service-Plan-(09-111-Adm-Code-684);
 - 7) as a PA providing services to a customer of HSP, agree that the customer is responsible for locating, choosing, supervising, training, and disciplining as necessary, the PA. Further, that

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the State of Illinois does not provide paid vacation, holiday, or sick leave; however, such absences shall be reported to the DHS counselor per the Documentation of Services (IL 488-2251) only for the purposes of processing payment;

- 8) understands that DHS reports all payments made to a PA to the Illinois Department of Employment Security (DES) and that the PA may apply for unemployment benefits, but DES, not DHS, makes the determination as to whether the PA shall receive benefits;
- 9) understands that he/she may apply for Workers' Compensation benefits through DHS and that some customers may carry such insurance coverage; however, DHS maintains that the customer, not DHS, is the employer for these purposes; and
- 10) understands that DHS will withhold Social Security tax (FICA) from payments made to him/her. Federal and State income tax shall be withheld if the PA completes and returns to DHS two separate W-4 forms;
- i) complete an I-9 Immigration form, which must be retained by the customer;
- j) for PAs starting on or after April 13, 1992, complete a PA Standards (IL 488-2112) to be returned to DHS; and
- k) as of April 13, 1992, at the time of redetermination of eligibility of the customer by which he/she is employed, have completed by the customer, a Personal Assistant Evaluation (IL 488-2089); and
- l) if requested by the customer, give permission and the necessary information for the customer to request a conviction background check from the Illinois State Police. This permission will require the prospective PA to sign the appropriate form provided by the customer.

(Source: Amended at 22 Ill. Reg. 18945, effective 06-01-1998)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Related Program Provisions
- 2) Code Citation: 89 Ill. Adm. Code 117
- 3) Section Numbers: Adopted Action:
117.91 New Section
- 4) Statutory Authority: Implementing Article III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].
- 5) Effective Date of Amendments: October 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the Adopted Amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
June 26, 1998 (22 Ill. Reg. 10983)
- 10) Has JCARE Issued a Statement of Objections to this Rule? No
- 11) Difference(s) between proposal and final version:
No changes were made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreements issued by JCARE? Yes
- 13) Will these amendments replace an emergency amendments currently in effect?
No
- 14) Are there any amendments pending on this Part: Yes
- 15) Summary and Purpose of Rule:

Section Numbers	Proposed Action	Illinois Register Citation
117.53	Amendment	22 Ill. Reg. 14060

These amendments implement the New Hire Match. The New Hire Reporting Act requires employers to report information about persons that they hire to the Illinois Department of Employment Security (IDES). Because this information is current, it can be useful in preventing case errors and

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

overpayments. The Department proposes to utilize the information available in the New Hire Registry to reduce errors and overpayments created when clients fail to report employment.

As a result of these amendments, when the new hire information reported by the employer matches Department records on clients and earned income has not been reported to the Department, a notice will be sent to the household. The notice will inform the household to provide verification of the new employment within 10 calendar days. Benefits will be discontinued if the household fails to respond to the notice within 10 calendar days. If the household responds to the notice and verifies that the information the Department received from the New Hire Match is incorrect, no negative action will be taken. However, if the household responds to the notice and provides verification of the earnings, appropriate case action will be taken based on the information provided by the household regarding income and employment.

- 16) Information and answers to questions regarding these adopted amendments shall be directed to:

Mrs. Susan Warner Weir, Bureau Chief
 Bureau of Administrative Rules and Procedures
 Department of Human Services
 100 South Grand Avenue East
 3rd Floor Harris Bldg.
 Springfield Illinois 62762
 (217) 785-9772
 TTY: (217) 557-1547

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER IV: DEPARTMENT OF HUMAN SERVICES

SUBCHAPTER VV: DISTRICT, COUNTY, TOWNSHIP AND SPECIAL ACT

MUTUAL COMPANIES

SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 117

RELATED PROGRAM PROVISIONS

Section

- 117.1 Incorporation By Reference
- 117.10 Payee for Financial Assistance
- 117.11 Issuance of Cash Assistance Benefits
- 117.12 Client Training for the Electronic Benefits Transfer (EBT) System
- 117.13 Replacement of the EBT Card
- 117.15 Reinstatement Upon Cooperation
- 117.20 Replacement of Missing Warrants
- 117.30 Withholding of Rent (Repealed)
- 117.40 Recovery of Interim Assistance - Aid to the Aged, Blind or Disabled and General Assistance
- 117.50 Funerals and Burials
- 117.51 Funeral Home Services
- 117.52 Burial Expenses
- 117.53 Payment to Vendor(s)
- 117.54 Claims for Reimbursement
- 117.55 Submittal of Claims
- 117.60 Substitute Parental Care/Supplemental Child Care - AFDC, AABD and GA Family Cases
- 117.70 Charge for Replacement of Photo ID Cards (Repealed)
- 117.80 Direct Deposit of Recipients' Warrants
- 117.90 State Income Tax Match
- 117.91 New Hire Match
- AUTHORITY: Implementing Articles III, IV and VI and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV and VI and 12-13].
- SOURCE: Filed and effective December 30, 1977; amended at 2 Ill. Reg. 31, p. 68, effective August 3, 1978; amended at 3 Ill. Reg. 38, p. 258, effective September 20, 1979; amended at 3 Ill. Reg. 41, p. 167, effective October 1, 1979; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 16111, effective November 22, 1983; amended at 9 Ill. Reg. 3726, effective March 13, 1985; amended at 9 Ill. Reg. 4526, effective March 20, 1985; amended at 9 Ill. Reg. 8733, effective May 29, 1985; amended at 9 Ill. Reg. 10779, effective July 5, 1985; amended at 9 Ill. Reg. 16914, effective October 16, 1985; amended at 11 Ill. Reg. 4759, effective March 13, 1987; amended at 12 Ill. Reg. 2985, effective January 13, 1988; amended at 12 Ill. Reg. 13608, effective August 15, 1988; amended at 12 Ill. Reg. 14296, effective August 30, 1988; amended at 13

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Ill. Reg. 3936, effective March 10, 1989; amended at 14 Ill. Reg. 780, effective January 1, 1990; amended at 14 Ill. Reg. 9488, effective June 1, 1990; amended at 15 Ill. Reg. 13533, effective August 1, 1991; amended at 16 Ill. Reg. 16644, effective October 23, 1992; emergency amendment at 17 Ill. Reg. 2368, effective February 8, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 8191, effective May 24, 1993; amended at 18 Ill. Reg. 3746, effective February 28, 1994; amended at 18 Ill. Reg. 7403, effective April 29, 1994; amended at 19 Ill. Reg. 1103, effective January 26, 1995; amended at 19 Ill. Reg. 10702, effective July 7, 1995; emergency amendment at 19 Ill. Reg. 15267, effective November 1, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 877, effective January 1, 1996; amended at 20 Ill. Reg. 5706, effective March 30, 1996; emergency amendment at 20 Ill. Reg. 10381, effective July 23, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 395, effective December 20, 1996; amended at 21 Ill. Reg. 7759, effective June 4, 1997; emergency amendment at 21 Ill. Reg. 8677, effective July 1, 1997, for a maximum of 150 days; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; amended at 21 Ill. Reg. 15591, effective November 26, 1997; amended at 22 Ill. Reg. 16231, effective September 1, 1998; amended at 22 Ill. Reg. 18951, effective OCT 01 1998.

Section 117.91 New Hire Match

The Department conducts a periodic New Hire Match of Department records and new hire information reported by employers. The purpose of the New Hire Match is to discover unreported earned income of persons receiving assistance.

- When the new hire information reported by the employer matches Department records on clients and earned income has not been reported to the Department, a notice is sent to the household. The notice informs the household to provide verification, to the Department, of the new employment within 10 calendar days.
- If the household fails to respond to the notice within 10 calendar days, benefits will be discontinued.
- If the household responds to the notice and provides verification of the earnings, appropriate case actions regarding termination or reduction of benefits and determination of any overpayment will be made based on the information provided by the household regarding income and employment.
- If the household responds to the notice and verifies that the information the Department received from the New Hire Match was incorrect, no negative action will be taken.

(Source: Added at 22 Ill. Reg. 18951, effective OCT 01 1998)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Service Planning and Provision

- 2) Code Citation: 89 Ill. Adm. Code 684

- 3) Section Numbers: Adopted Action:

684.10 Amendment

684.60 Amendment

684.80 Amendment

684.100 Amendment

- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

- 5) Effective Date of Amendments: 10/1/98

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: May 22, 1998, 22 Ill. Reg. 8634

- 10) Has JCAR Issued a Statement of Objections to this (these) Rule(s)? No

- 11) Difference(s) between proposal and final version: None

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rule replace an Emergency Rule(s) currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rule(s): The Department of Human Services, Home Services Program Rules (89 Ill. Adm. Code 684) are being revised to increase the circumstances when the customer's PA services can be provided in instances previously not allowed. Specifically, this amendment will allow PA services provided as part of service plan to be provided while the customer is at work, traveling outside the home, and for persons with DON score of 75 or higher, while they are in the hospital. The amendment also corrects several cite references to other rules that have been changed by other amendments to the rules.

- 16) Information and answers to questions regarding this adopted rule shall be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

The full text of Adopted Amendment(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER d: HOME SERVICES PROGRAM

PART 684
SERVICE PLANNING AND PROVISION

Section 684.10	Service Plan
684.20	Procuring an Appropriate Service Provider
684.30	Family Members as Service Providers
684.40	Distribution of the Service Plan
684.50	Service Plan Content
684.60	Provision of Services
684.70	Service Planning Limitations
684.80	Interim Services
684.90	Coordination of HSP and Other Services
684.100	Denial or Termination of HSP Services

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5129, effective March 21, 1995; recodified from the Department of Rehabilitation Services to the Department of Human Services at 21 Ill. Reg. 9325; amended at 22 Ill. Reg. 18955, effective

Oct 01 1998

Section 684.10 Service Plan

- a) All services to be provided to an individual through HSP must be necessary to meet an unmet care need of the individual or to provide relief to the caregiver for individuals eligible for respite care services and listed on a HSP Service Plan which is developed for the individual, agreed to and signed by the customer and counselor.
- b) Services provided through HSP to an individual must be:
- 1) safe and adequate;
 - 2) cost effective; and
 - 3) the most economical in terms of the individual's needs, unless a service is not available at the most economical level. In such instances, the next higher service level may be used as long as services remain within the SCM established for the individual. Documentation of an ongoing effort to locate services at the appropriate level must be in the individual's case file.
- c) The initial HSP Service Plan for an individual must be submitted with all other necessary forms to the individual's physician during the eligibility determination phase of the case (89 Ill. Adm. Code 682.100(g)) ~~682.100(g)~~ for the purpose of review and approval of the plan for care by the physician.

DEPARTMENT OF HUMAN SERVICES

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(Source: Amended at 22 Ill. Reg. 18955, effective Oct 01 1998)

Section 684.60 Provision of Services

- a) Except as provided in subsection (b), services shall ~~Services may~~ not be provided to an eligible individual when he/she is:
- 1a) hospitalized;
 - 2b) in a skilled nursing facility or intermediate care facility ~~facility/nursing facility~~;
 - 3c) not residing in his/her home or non-institutional residence; or
 - 4d) outside the State of Illinois.
- b) With prior approval by the HSP counselor or case manager, Personal Assistance services for customers who have been formally found eligible for services can continue when the individual is:
- 1) at his/her workplace; however a P.A. shall only be paid to provide personal care comparable to what is provided in the customer's home and not to perform occupational tasks;
 - 2) away from his/her home or other non-institutional residence for a predetermined period; or
 - 3) hospitalized, if the customer has a DON score of 75 or greater.
- c) In these instances, the P.A. services, the number of hours of services and cost of services cannot exceed those contained in the customer's current service plan. P.A. services are limited to personal care of the customer. When away from the home, the customer shall provide notification of his/her temporary address to his/her HSP counselor or case manager.

(Source: Amended at 22 Ill. Reg. 18955, effective Oct 01 1998)

Section 684.80 Interim Services

Prior to determination of eligibility (89 Ill. Adm. Code 682.60t), the individual may receive interim services while an official determination of eligibility (89 Ill. Adm. Code 682.60t) is being completed if enough information exists to presumptively establish eligibility based on:

- a) DON score;
- b) evidence of a disability as described at 89 Ill. Adm. Code 682.100(e) ~~682.100(f)~~ based on medical documentation, counselor observation, or oral information received from a knowledgeable medical professional;
- c) the individual's financial eligibility, per 89 Ill. Adm. Code 682.60t; Subpart C;
- d) the individual meets all eligibility criteria as listed in 89 Ill. Adm. Code 682; and
- e) written or verbal approval from the individual's physician as to the appropriateness and safety of the interim service plan agreed to and signed by the customer and the counselor.

DEPARTMENT OF HUMAN SERVICES

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(Source: Amended at 22 Ill. Reg. 18955, effective 01-01-1998)

Section 684.100 Denial or Termination of HSP Services

HSP services shall be denied or terminated and case closure initiated at any time the individual:

- a) moves from the State of Illinois or cannot be located or contacted;
- b) is determined to have a projected service cost above that of the projected cost of institutionalization, with the exceptions found at 89 Ill. Adm. Code 682.500(a)(1) 681-588(e)(1), 682.520 681-528, and 684.70(c) 684-58(e);
- c) refuses services or further services;
- d) dies;
- e) is institutionalized and not expected to be released for a period to exceed 60 calendar days;
- f) has been referred to another agency for the same or similar services and no longer requires or is eligible for HSP services;
- g) fails to conduct himself/herself in an appropriate manner (e.g., illegal activity, physical or sexual abuse, or threat thereof, or repeated verbal abuse by a customer against a DHS employee, agent or a provider providing services through HSP);
- h) is not, or is no longer, at risk of institutionalization due to improvement of his/her condition;
- i) fails to meet other eligibility criteria as found at 89 Ill. Adm. Code 682.681 as a result of an initial determination of eligibility or redetermination of eligibility;
- j) fails to cooperate (i.e., refuses to complete and sign necessary forms, fails to keep appointments, fails to maintain adequate providers); or
- k) cannot have a safe and adequate service plan developed for him/her as a result of the original determination of the eligibility or redetermination of eligibility.

(Source: Amended at 22 Ill. Reg. 18955, effective 01-01-1998)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: WIC Vendor Management Code

2) Code Citation: 77 Ill. Adm. Code 672

3) Section Numbers: Adopted Action:
 672.100 Amendments
 672.220 Amendments
 672.225 Amendments
 672.515 Amendments
 672.520 Amendments
 672.600 Amendments

4) Statutory Authority: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255]

5) Effective Date of Amendments: October 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: February 6, 1998, 22 Ill. Reg. 2643

10) Has JCAR Issued a Statement of Objections to this Rule? No

11) Difference(s) between proposal and final version: In Section 672.600, corrected spelling of "superseded".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule(s) currently in effect? No

14) Are there any amendments pending on this Part: No

15) Summary and Purpose of Rule(s): The WIC vendor rules, which were recodified under Department of Human Services, neglected to change the definition (Section 672.100) of "Director" to refer to the Secretary of Department of Human Services. Section 672.600 is being amended to make clear when "Department" refers to the Department of Public Health and not Department of Human Services.

16) Information and answers to questions regarding this adopted rule shall be

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

directed to:

Ms. Susan Weir, Bureau Chief
Bureau of Administrative Rules and Procedures
Department of Human Services
100 South Grand Avenue East
3rd Floor, Harris Bldg.
Springfield, Illinois 62762
Telephone number: (217) 785-9772
TTY: (217) 557-1547

The full text of Adopted Rule(s) begins on the next page:

DEPARTMENT OF HUMAN SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF HUMAN SERVICES
SUBCHAPTER i: MATERNAL AND CHILD HEALTH

PART 672

WIC VENDOR MANAGEMENT CODE

SUBPART A: GENERAL PROVISIONS

Section
672.100
672.105
672.110
672.115

Definitions
Incorporated and Referenced Materials
Purpose
Application of These Rules

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section
672.200
672.205
672.210
672.215
672.220
672.225

Geographic Distribution and Number of Vendors
Application Procedures
Authorization Criteria and Procedures
WIC Food List and Quantities
Criteria for Denial of Authorization
Denial of Authorization

SUBPART C: WIC VENDOR EDUCATION

Section
672.300
672.305
672.310
672.315

Initial WIC Retail Training by the Department
Initial WIC Retail Training by a Vendor
Annual WIC Retail Training Program
Compliance Training Workshop (Repealed)

SUBPART D: WIC VENDOR AUTHORIZATION AND RESPONSIBILITIES

Section
672.400
672.405
672.410
672.415
672.420
672.425
672.430
672.435
672.440
672.445
672.450
672.455

Authorization
WIC Vendor Contract Requirement
Expiration of WIC Vendor Authorization and Contract
Food Instrument Processing
Specifications for Rejection of Food Instruments
WIC Retail Vendor Responsibilities
Payment Obligation
Conflict of Interest
Unlawful Discrimination
Amendments Resulting From a Change in Statute or Regulation
Assignment or Transfer
Civil Law Suits

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672.460 Voluntary Withdrawal from the WIC Vendor Contract
672.465 Notices

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section
672.500 Compliance Monitoring Inspections
672.505 Violations
672.510 WIC Vendor Sanctions
672.515 Criteria for Termination or Suspension of Authorization, Prohibition,
and/or Fine Assessment
672.520 Breach of Contract
672.525 Notice of Violation (Repealed)

SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR
ADMINISTRATIVE HEARINGS

Section
672.600 Hearings
672.605 Parties to Hearings (Repealed)
672.610 Appearance and Representation of a Party
672.615 Commencement of an Action (Repealed)
672.620 Motions (Repealed)
672.625 Discovery (Repealed)
672.630 Form of Papers (Repealed)
672.635 Service (Repealed)
672.640 Pre-Hearing Conferences (Repealed)
672.645 Conduct of Hearings (Repealed)
672.650 Subpoenas (Repealed)
672.655 Burden of Proof (Repealed)
672.660 Administrative Law Judge's Report and Final Decision (Repealed)
672.665 Records of Proceedings (Repealed)
672.670 Miscellaneous (Repealed)

APPENDIX A Illinois Regional Map

AUTHORITY: Implementing and authorized by the WIC Vendor Management Act [410 ILCS 255].

SOURCE: Adopted at 14 Ill. Reg. 19984, effective December 1, 1990; amended at 16 Ill. Reg. 17734, effective December 15, 1992; amended at 18 Ill. Reg. 2450, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 13125, effective August 12, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 606, effective January 9, 1995; amended at 19 Ill. Reg. 16086, effective November 20, 1995; amended at 21 Ill. Reg. 3960, effective March 15, 1997; recodified from the Department of Public Health to the Department of Human Services at 21 Ill. Reg. 9323; emergency amendment at 22 Ill. Reg. 3127, effective January 22, 1998, for a maximum of 150 days; emergency expired on

DEPARTMENT OF HUMAN SERVICES
NOTICE OF ADOPTED AMENDMENTS

June 20, 1998; amended at 22 Ill. Reg. 18960, effective
OCT 01 1998

SUBPART A: GENERAL PROVISIONS

Section 672.100 Definitions

"Act" means the WIC Vendor Management Act [410 ILCS 255].

"Administrative Law Judge" means any person appointed by the Secretary Director to preside at an Administrative Hearing.

"Administrative Warning" means a written notice which describes the nature of a violation to the WIC Program and a request for correction of the violation.

"Applicant" means the individual, partnership, limited partnership, unincorporated association, limited liability company, or corporation applying to be a WIC Retail Vendor.

"Applicant's Composite Food Package Cost" means an amount determined by first multiplying the quantity of each WIC Food item in the Composite Market Basket times the Applicant's lowest shelf price for each item as determined during the Retail Vendor Price Survey. These totals are then added together to determine the cost of all items in the Composite Market Basket. In determining the lowest shelf price for juice, cheese and cereal, the Department will use the average of the lowest shelf prices of the two varieties which the Department has determined are the most frequently received varieties of that WIC Food item. If the Applicant has no supply of one or both of the most frequently received varieties, the Department will use the one or two varieties with the lowest shelf price. In determining the lowest shelf price for infant formula, the Department will use a weighted average of the lowest shelf prices for the WIC approved brands, taking into account the percentage of each brand used by WIC Participants.

"Application" means the application forms and other required materials submitted by a Business Entity to notify the Department that the Business Entity desires to become a WIC Retail Vendor.

"Authorization" means the approval of an Applicant who has met the WIC Vendor criteria and possesses a properly executed, valid WIC Vendor Contract as a WIC Retail Vendor.

"Business Entity" means the retail business which an Applicant or authorized WIC Vendor operates at a particular Vendor Site.

"Composite Market Basket" means those quantities of WIC Food items

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received by a statistically average WIC Participant over a one month period.

"Contested Case" shall have the meaning ascribed it in Section 1-30 of the Illinois Administrative Procedure Act [5 ILCS 100/1-30].

"Corporate Officer" means the identity of the officer of a Corporation as set forth in its Articles of Incorporation as filed with the Secretary of State wherein such entity is incorporated.

"CSFP" means the Commodity Supplemental Food Program which is a Federal food assistance program through which the Department or its Representative provide U.S. Government commodities to low-income women, infants and children and eligible elderly.

"Department" means the *Illinois Department of Human Services* ~~Public Health~~. (Section 3(a) of the Act)

"Department Estimated Cost" means estimated prices based on indicators including wholesale prices for WIC foods and the self reported Vendor prices on the Vendor Retail Price Survey, which are averaged and weighted by Store Type and Region.

"Department Representative" or "Representative of the Department" means an employee or authorized agent of the Department.

~~"Director" means the Director of the Illinois Department of Public Health or designee.~~

"Expired Food" means a WIC Food item available to WIC Participants on a store shelf which exceeds the stamped date printed on the food item and labeled as one of the following: expiration date, "Sell By" date, "Best If Used By" date, or "Best When Purchased By" date, printed on the item.

"Food Instrument" or "FI" means a negotiable voucher issued by a Local Agency that specifies the quantity, size and type of authorized foods available to a WIC Participant within a designated time period, which can subsequently be taken to a Vendor in exchange for the specified quantities of food.

"Food Voucher" means Food Instrument.

"Grocery Store" means a fixed and permanent retail store whose primary business is the sale of food.

"IAPA" means the Illinois Administrative Procedure Act [5 ILCS 100].

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"Illinois WIC Retail Food Delivery System" means the system in which Participants obtain WIC foods by submitting a Food Voucher to a WIC Retail Vendor.

"Invalid Vendor" is a rejection label which means a Food Instrument deposited or mailed by a Vendor which has been encoded and rejected by the Department's contract bank for the following reasons: the Food Instrument has not been stamped with the Vendor Number, the Vendor Number is unauthorized, unreadable, not in the space indicated, or a counterfeit Vendor Stamp is used. Typed or handwritten numbers shall not be accepted.

"Limited Liability Company" means a company organized and existing under the Limited Liability Company Act [805 ILCS 180].

"Local Agency" means a public or private, non-profit health or human services agency which provides health services, either directly or through contract, in accordance with the USDA WIC Regulations, the Act, or this Part.

"Minimum Supply of WIC Foods" means the Department published list of the minimum required quantities, sizes, and types of WIC Foods which must be maintained in stock at all times by a Vendor.

"Participant" means authorized pregnant women, breastfeeding women, postpartum women, infants or children who are receiving supplemental foods or Food Instruments under the WIC Program.

"Participant Requested Delivery" means a Participant requested delivery of WIC approved foods from a Vendor to an address specified by the WIC Participant or Proxy.

"Participant/Vendor Ratio" means the total number of WIC Participants redeeming Food Instruments through WIC Retail Vendors in a given region divided by the total number of WIC Retail Vendors in the same region.

"Pharmacy" means any store, shop, department, or other place, at a fixed and permanent location, having the capability to dispense and sell or offer for sale at retail value by a licensed pharmacist drugs, medicines, poisons, and liquid foods, prescribed for an individual by dentists, veterinarians, and physicians licensed to practice medicine in all its branches.

"Posted Shelf Price" means the clearly displayed price of WIC Foods charged to the general public, identifying the price of the specific WIC Food item. When no price is posted, the Posted Shelf Price shall be deemed to be the average price for a particular food item based on

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the Retail Vendor Price Survey for stores of like size and location.

"Proxy" means a person who is authorized by the Local Agency and the WIC Participant to accept and/or redeem Food Instruments on a participant's behalf.

"Region" means a geographic area in the State of Illinois which is identified by specific boundaries determined by the Department. (See Section 672. Appendix A.)

"Regional Average Composite Food Package Cost" means an amount determined by first multiplying the quantity of each WIC Food item in the Composite Market Basket times the average regional shelf price for that item as derived from the Retail Vendor Price Survey for that region weighted to reflect the distribution of Store Types in the Region. These totals are then added together to determine the regional average cost of all items in the Composite Market Basket.

"Retail Vendor Price Survey" means the current prices, reported to the Department, by a Vendor or a Department Representative, as charges for WIC Foods.

"Secretary" means the Secretary of the Illinois Department of Human Services or designee.

"Store Type" means the classification of WIC Retail Vendors by the number of active customer check-out lanes/cash registers. One or two lanes is a type 1 Vendor Site. Three or four lanes is a type 2 Vendor Site. Five to seven lanes is type 3 Vendor Site. Eight or more lanes is a type 4 Vendor Site. A Pharmacy is a type 5 Vendor Site and a WIC Food Center is a type 6 Vendor Site.

"USDA" means the United States Department of Agriculture.

"USDA WIC Regulations" means the Regulations of the United States Department of Agriculture, Food and Consumer Service, Special Supplemental Nutrition Program for Women, Infants, and Children (7 CFR 246 (1990)).

"Valid WIC Retail Vendor Contract" means a contract that is binding only between the Department and the officer, partner or sole proprietor who originally signed the Vendor Application and Vendor Contract.

"Vendor" or "WIC Retail Vendor" means the individual, partnership, limited partnership, unincorporated association, limited liability company, or corporation authorized by the Department to accept Food Instruments and to provide supplemental food to WIC Participants,

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Proxies of WIC Participants or Department Representatives.

"Vendor Number" means the number assigned to an authorized Vendor by the Department for validating Food Instruments.

"Vendor Site" means a fixed and permanent location, operating as a Business Entity, listed in the WIC Vendor Application, which has been authorized by the Department for purposes of delivery of WIC Foods to WIC Participants or the Proxy of a WIC Participant.

"Vendor Stamp" means the stamp provided to a Vendor by the Department for validating Food Instruments.

"Violation" means an infringement of Federal or State rules or statutes or local laws.

"WIC Food Centers" are WIC food distribution sites through which the Department or its Representative provide the direct distribution of WIC foods.

"WIC Food List" means the published list of the State of Illinois authorized WIC Foods.

"WIC Foods" means those competitively priced foods which have been placed on the WIC Food List, which have been determined by the Department to be nutritionally qualified for the WIC Program in the State of Illinois.

"WIC Participant Identification Card" means the card issued by a Local Agency to a Participant for purposes of the WIC Program.

"WIC Vendor Contract" means an agreement signed by the WIC Retail Vendor and the Department for the provision of WIC Foods to Participants, the Proxies of WIC Participants or Department Representatives.

"Women Infants and Children Nutrition Program" and "WIC" mean the Federal Special Supplemental Nutrition Program for Women Infants and Children authorized by Section 17 of the Child Nutrition Act of 1966, as amended (42 U.S.C. 1786). (Section 3(a) of the Act)

(Source: Amended at 22 Ill. Reg. 18960, effective OCT 01 1998)

SUBPART B: WIC VENDOR APPLICATION AND AUTHORIZATION PROCESS

Section 672.220 Criteria for Denial of Authorization

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A determination by the Secretary Director to deny Authorization shall be based upon a finding that one (1) or more of the following criteria are met:

- a) The Applicant has not met the requirements of the USDA WIC Regulations, the Act, or this Part.
- b) The Applicant has submitted false, erroneous, or inaccurate information on the Application, or in the business or financial information provided to the Department or during the course of the on site inspection of the proposed Vendor Site.
- c) The Applicant has refused to allow the Department access to inspect the proposed Vendor Site during the Applicant's normal business hours.
- d) The Applicant has submitted a FEIN or Social Security number for the Business Entity to be operated at the proposed Vendor Site which is not the same FEIN or Social Security number filed for the same Business Entity with the USDA Food Stamp Program and/or with the Illinois Department of Revenue.
- e) The Applicant does not have the necessary local, municipal, or village license to operate as a Business Entity at the proposed Vendor Site.
- f) With the exception of Pharmacies, the Applicant has previously been authorized as a WIC Vendor and the Applicant's charges as a Vendor for WIC Foods, for a minimum of three (3) months during the contract period, were:
 - 1) more than the Department Estimated Costs for those WIC Foods as reflected in the Vendor Price Survey; or
 - 2) at least five percent (5%) or greater than the average charges submitted by other Vendors of the same Store Type in the same geographic region.
- g) The Applicant has previously been authorized as a WIC Vendor and the Applicant had more than one percent (1%) per month of all Food Instruments submitted to the contract bank rejected for a maximum of three (3) months during a contract period.
- h) The USDA Food Stamp Program has imposed against the Applicant any of the following sanctions:
 - 1) civil money penalty;
 - 2) suspension;
 - 3) disqualification;
 - 4) permanent disqualification.
- i) Failure to pay any fine or reimbursement within the time specified by the Department.

(Source: Amended at 22 Ill. Reg. 18960, effective 01-01-1998)

Section 672.225 Denial of Authorization

- a) Application for Authorization as a WIC Retail Vendor shall be denied when the Secretary Director finds that an Applicant meets any of the criteria set forth in Section 672.220.
- b) When the Secretary Director determines that the Application for

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NOTICE OF ADOPTED AMENDMENTS

Authorization as a WIC Retail Vendor is to be denied, the Department shall notify the Applicant. The notice to the Applicant shall be in writing and shall include:

- 1) A clear and concise statement of the basis for denial. The statement shall include a citation to the USDA WIC Regulations, the Act, or the provisions of this Part for which the Application is being denied.
- 2) A description of the right of the Applicant to appeal the denial of the Application within fifteen (15) calendar days of receipt of the letter and the right to a hearing.
- 3) A statement that the Applicant may not reapply again for a minimum one hundred eighty (180) calendar days from the date of the notice.

(Source: Amended at 22 Ill. Reg. 18960, effective 01-01-1998)

SUBPART E: WIC VENDOR COMPLIANCE AND SANCTIONS

Section 672.515 Criteria for Termination or Suspension of Authorization, Prohibition, and/or Fine Assessment

- a) A determination by the Secretary Director to terminate Authorization and impose a fine assessment shall be based upon a finding that one (1) or more of the following criteria are met:
 - 1) the Vendor has not met one (1) or more requirements of the USDA WIC Regulations, the Act, or the provisions of this Part;
 - 2) the Vendor has submitted false, erroneous, or inaccurate information on the Application, in the business or financial information provided to the Department, on the Retail Vendor Price Survey, or during the course of inspections of the Vendor Site;
 - 3) the Vendor has been found by the Department to have violated provisions of Section 672.505(a);
 - 4) the Vendor has submitted a Federal Employers Identification Number (FEIN) for the Business Entity operating as a Vendor which differs from the FEIN filed for the same Business Entity with the USDA Food Stamp Program or with the Illinois Department of Revenue;
 - 5) the Vendor has not fulfilled the terms of the WIC Vendor Contract; or
 - 6) any person with an ownership interest of thirty percent (30%) or more in any entity authorized as a WIC Retail Vendor who has been convicted of criminal activity in connection with the USDA WIC Program.
- b) A determination by the Secretary Director to impose a fine shall be based upon a finding that a Vendor has been found by the Department to have violated provisions of Section 672.505(b).

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- c) A determination by the Secretary ~~Director~~ to prohibit Vendor activity and impose a fine shall be based upon the finding that a former Vendor, individual, Business Entity or commercial enterprise violated provisions of Section 672.505(c) or engaged in the activities of a WIC Vendor. (See Section 672.510(c))
- d) A determination by the Secretary ~~Director~~ to prohibit Vendor activity shall be based upon a finding that the Vendor failed to provide any information as specified in USDA WIC regulations, the Act, or the provisions of this Part which shall be deemed a material breach of contract.
- e) If the Vendor fails to pay any fine assessed under this Part within thirty (30) calendar days from the date of the final order, the Department shall suspend the Vendor and an additional fine of \$1,500.00 shall be required to reinstate Vendor Authorization.
- f) When the Secretary ~~Director~~ determines that the termination or suspension of a WIC Vendor's Authorization, prohibition of activity, and/or imposition of fine assessment is to occur, the Department shall notify the Vendor, individual, Business Entity or commercial enterprise that engages in WIC Vendor activities. The notice shall be in writing and shall include:
- 1) A statement of the nature of the basis for the adverse actions. The statement shall include a citation to the provisions of the USDA WIC Regulations, the Act, or this Part on which the sanction is based.
 - 2) A description of the right of the Vendor, individual, Business Entity or commercial enterprise to appeal the adverse action and the right to a hearing.

(Source: Amended Oct 01 1998 at 22 Ill. Reg. 18960, effective

Section 672.520 Breach of Contract

- a) Upon determination by the Secretary ~~Director~~ that a substantial breach of contract has been committed by a Vendor, the Department shall repudiate its contract with the Vendor and terminate the Vendor Authorization.
- b) In determining whether a Vendor has committed a substantial breach of contract the Secretary ~~Director~~ shall consider whether participants would be unduly inconvenienced and may consider other relevant criteria.
- c) Any repudiation to the contract by the Department and resultant termination of the Retail Vendor Contract will take effect only after the Vendor receives 15-day advance written notification of the adverse action, the cause(s) for and effective date of such action.

(Source: Amended Oct 01 1998 at 22 Ill. Reg. 18960, effective

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SUBPART F: RULES OF PRACTICE AND PROCEDURES IN ILLINOIS WIC RETAIL VENDOR ADMINISTRATIVE HEARINGS

Section 672.600 Hearings

Any sanctions imposed pursuant to Section 672.225 or 672.510 of this Part shall afford the adversely affected party thereto the opportunity to appeal such action by requesting a hearing within fifteen (15) calendar days after receipt of notice. Until superseded by a rule promulgated by the Department of Human Services for hearings, any Any notices issued and hearings held shall be in accordance with the Department of Public Health's Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100), except that when used for WIC hearings, the term "Department" shall mean the Department of Human Services rather than the Department of Public Health, with the addition of the following provisions:

- a) An administrative hearing must be requested within fifteen (15) calendar days after receipt of notice. Failure to request a hearing within this time frame shall constitute a waiver of the person's right to an administrative hearing.
- b) Motions for a continuance shall be granted only in accordance with Section 2-1007 of the Code of Civil Procedure (Ill. Rev. Stat. 1991, ch. 110, par. 2-1007)[735 ILCS 5/2-1007]. Motions for continuance shall be in writing and filed at least three (3) calendar days prior to the hearing. Such motions shall state the basis for the request and all steps taken to avoid the necessity of a continuance.
 - 1) Only one continuance each shall be allowed for the Vendor, Applicant and the Department. No continuance may be for more than fourteen (14) calendar days.
 - 2) After one continuance has been granted to a party, an additional continuance may be granted to that party only if there is a bona fide emergency or "Act of God."
- c) The burden of proof rests with the Department in relation to all administrative actions initiated by the Department pursuant to Section 672.510.
- d) The burden of proof rests with the Applicant as to all administrative actions initiated upon a petition for hearing filed by an Applicant after the denial of Authorization under Section 672.225.
- e) Construction of Rules: This Part shall not be construed to abrogate, modify, or limit any rights, privileges, or immunities granted or protected by the Constitution or laws of the United States or the Constitution or laws of the State of Illinois. In case of any conflict between this Part and the WIC Vendor Management Act, the terms of the latter shall control. In case of any conflict between this Part and Article II of the Code of Civil Procedure or the Supreme Court practice rules, the terms of this Part shall control.
- f) Waiver: Compliance with any of the provisions of Subpart F of this Part or with any or all provisions of the IAPA regarding contested cases may be waived by written stipulation of all parties.

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NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 22 Ill. Reg. 10360, effective
OCT 01 1998)

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Insurance Cost Containment Annual Fee
- 2) Code Citation: 50 Ill. Adm. Code 4201
- 3) Section Number: Adopted Action:
4201.10 Amendment
4201.20 Amendment
Illustration A Repealed
- 4) Statutory Authority: Implementing and authorized by Article XLII of the Illinois Insurance Cost Containment Act [215 ILCS 5/1200 through 1206]
- 5) Effective Date of Amendment: 10/1/98
- 6) Does this amendment contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department of Insurance's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 26, 1998, 22 Ill. Reg. 11000
- 10) Has JCAR issued a Statement of Objections to this amendment? No
- 11) Difference(s) between proposal and final version: In the main authority note, line 11, the Department does not agree to delete "Article XLII of".
- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No
- 13) Will this amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: These amendments reflect an increase in the annual fee paid by all insurers who write property and casualty insurance in Illinois. The payment of annual fees is statutorily authorized by Section 1206 of the Illinois Insurance Code [215 ILCS 5/1206] and will be calculated pursuant to Section 4201.20 of this Part.

Amendments are also being made that will add two new categories of direct written premiums to the total premium volume which is used to determine a company's annual fee. Additional amendments to this Part are being made to reflect the implementation of a billing program that allows the Department to calculate a company's annual fee and subsequently send a

DEPARTMENT OF INSURANCE

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bill to the company for payment. This new system will allow the Department to initiate an efficient billing process for the annual fee to companies in a timely manner and on a comprehensive basis.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Don Wulf
Department of Insurance
320 West Washington
Springfield, Illinois 62767-0001
(217) 785-1680

The full text of the Adopted Amendment begins on the next page.

DEPARTMENT OF INSURANCE

NOTICE OF ADOPTED AMENDMENT

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER vv: INSURANCE COST CONTAINMENT

PART 4201
INSURANCE COST CONTAINMENT ANNUAL FEE

Section
4201.10 Purpose and Scope
4201.20 Annual Fee

ILLUSTRATION A Insurance Cost Containment Annual Fee Worksheet [Repealed]

AUTHORITY: Implementing and authorized by Article XLIII of the Illinois Insurance Cost Containment Act [215 ILCS 5/1200 through 1206].

SOURCE: Adopted at 11 Ill. Reg. 9622, effective May 1, 1987; recodified from Part 6601 to Part 4201 at 20 Ill. Reg. 6592; amended at 22 Ill. Reg. 18974, effective OCT 01 1998.

Section 4201.10 Purpose and Scope

The ~~it is~~ purpose of this Part is to implement Article XLII of Illinois Insurance Code by establishing a schedule of reasonable fees to cover the total cost of the Department incident to, or associated with, the administration and enforcement of this Article, including the collection, analysis and distribution of insurance cost data, the conversion of hard copy reports to diskette ~~tape~~ and the compilation and analysis of basic reports.

(Source: Amended at 22 Ill. Reg. 18974, effective OCT 01 1998)

Section 4201.20 Annual Fee

- a) Each insurance company licensed to write property and casualty insurance business in this State shall, on or before June 1 of each year, prior to ~~May-15, 1987~~ and ~~prior to May-15th of each year~~ thereafter pay to the Director of Insurance an annual fee in accordance with the following schedule of Illinois premium:

PREMIUM VOLUME	Premium-Volume	FEE	Fee
Premium equal to \$0 but less than \$1 million		\$288	250
Premium equal to or greater than \$1 million but less than \$5 million		\$1,150	1,000
Premium equal to or greater than \$5 million but less than \$25 million		\$5,750	5,000
Premium equal to or greater than \$25 million but less than \$50 million		\$8,625	7,500

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Premium equal to or greater than \$50 million \$11,500 \$07000

- b) The premium volume to be used in determining a company's annual fee shall be the sum of the company's previous year's direct written premium as set forth on lines 5.2, 11, 17, 18, 19.1, 19.2, 19.3, 19.4, 21.1 and 21.2 of the Exhibit of Premiums and Losses on page 14 of the company's Illinois Annual Statement filed with the Department pursuant to Section 136 of the Illinois Insurance Code [215 ILCS 5/136] (411 Rev. Stat. 1985, ch. 73, par. 740).
- c) The Department shall notify by mail each company licensed to write property and casualty insurance business in this State of the amount of its annual fee calculated pursuant to subsection (b) of this Section.
- e) The amount of the annual fee for each category of premium volume set forth in subsection a) above shall increase at the rate of 5% per year for the first three years this Part is in force.
- d) All annual fees payable pursuant to this Part shall be due on or before June 1 for the preceding calendar year. Such annual fee shall be made payable to the Director of Insurance/SSRF.
- d) The company shall calculate its annual fee in the format and contain the information as specified in Illustration A. The company shall submit a copy of this calculation with the Department in conjunction with the submission of its annual fee.

(Source: Amended at 22 Ill. Reg. 18974, effective OCT 01 1998)

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Section 4201. ILLUSTRATION A Insurance Cost Containment Annual Fee Worksheet (Repealed)

Insurance-Cost-Containment		Annual-Statement
Annual-Fee-Worksheet		Page-14
Lines-of-Business		Direct-Premiums-Written
Line-11 Medical-malpractice	\$-----	\$-----
Line-17 Other-liability	\$-----	\$-----
Line-19-1 Private-passenger-auto-no-fault	\$-----	\$-----
(personal-injury-protection)		
Line-19-2 Other-private-passenger	\$-----	\$-----
auto-liability		
Line-19-3 Commercial-auto-no-fault	\$-----	\$-----
(personal-injury-protection)		
Line-19-4 Other-commercial-auto-liability	\$-----	\$-----
Line-21-1 Private-passenger	\$-----	\$-----
auto-physical-damage		
Line-21-2 Commercial-auto-physical-damage	\$-----	\$-----
Sum-of-the-above-lines	\$-----	\$-----

(Source: Repealed at 22 Ill. Reg. 18974, effective OCT 01 1998)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers:
140.461
140.463
Adopted Action:
Amendment
Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: September 30, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: June 26, 1998 (22 Ill. Reg. 11005)
- 10) Has JCARE issued a Statement of Objections to these adopted amendments? No
- 11) Differences between proposal and final version:

Several changes have been made in the text of the proposed rulemaking.

Section 140.461

In the first sentence of subsection (b), "May" has been changed to "July".

In subsection (d)(2), "U.S.C." has been changed to "USC".

In subsection (d)(2)(C), "the Medicaid application" has been changed to "the Medicaid application".

In subsection (f)(5)(B), "Bureau of Hospital Services" has been changed to "Bureau of Comprehensive Health Services".

Section 140.463

In subsection (b)(1)(A) and (b)(2)(B), "\$50.00" has been changed to "\$50".

In subsections (b)(1)(B) and (b)(2)(C), the first occurrence of "the" has been capitalized and "clinic" has been changed to "clinic's".

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- In subsection (b)(2)(A), "or" at the end of the subsection has been deleted.
- In subsection (c)(1)(F), a comma has been added after "March 31, 1990".
- In subsection (c)(1)(K), "within 90 days of" has been changed to "within 90 days after".
- In subsection (c)(2)(G)(i), "March 31, 1990 which" has been changed to "March 31, 1990, that".
- In subsection (c)(2)(H), a comma has been added after "January 1, 1991".
- In subsection (c)(2)(I), "30 days of" has been changed to "30 days following".
- In subsection (c)(2)(J), "90 days of" has been changed to "90 days after".
- In subsection (c)(3)(A), "30 calendar days of" has been changed to "30 calendar days after".
- In subsection (c)(3)(D), "120 calendar days of" has been changed to "120 calendar days after".
- In subsection (c)(3)(E), "3rd floor Bloom Building," has been stricken and "Concourse," has been added after "East,".
- In subsections (e)(5)(A), (B) and (C), "12-month period of" has been changed to "12-month period after" and "clinic's" has been moved to precede "contract".
- In subsection (e)(8), "subsection (e)" has been changed to "this subsection (e)".
- No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreement letter issued by JCARE? Yes
- 13) Will these amendments replace emergency amendments currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.40	Amendment	July 31, 1998 (22 Ill. Reg. 14239)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

15) Summary and Purpose of Amendments:

These amendments to the Department's administrative rules concerning clinic services provide reimbursement changes for encounter rate clinics. These changes are necessary to ensure access to essential prenatal and infant health care services for Medical Assistance clients. The changes also allow the Cook County Department of Public Health the flexibility of receiving encounter rates, rather than fee-for-service rates, for certain clinics.

These changes are being made in connection with a request of the Cook County Bureau of Health Services. A recommendation was also provided by the Infant Welfare Society that provides free comprehensive health services to pregnant women and infants who do not have health insurance.

These changes affecting encounter rate clinics have been in effect since July 1, 1998, under emergency rules that were published on July 17, 1998, at 22 Ill. Reg. 13117.

The Department anticipates that these amendments will result in an annual budgetary increase of approximately \$75,000.

16) Information and questions regarding these adopted amendments shall be directed to:

Name: Joanne Jones
Address: Bureau of Rules and Regulations
Illinois Department of Public Aid
201 South Grand Avenue East, Third Floor
Springfield, Illinois 62763
Telephone: (217) 524-0081

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

140.1 Incorporation By Reference

140.2 Medical Assistance Programs

140.3 Covered Services Under Medical Assistance Programs

140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)

140.5 Covered Medical Services Under General Assistance

140.6 Medical Services Not Covered

140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight

140.8 Medical Assistance For Qualified Severely Impaired Individuals

140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy

140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

140.11 Enrollment Conditions for Medical Providers

140.12 Participation Requirements for Medical Providers

140.13 Definitions

140.14 Denial of Application to Participate in the Medical Assistance Program

140.15 Recovery of Money

140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

140.18 Effect of Termination on Individuals Associated with Vendor

140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

140.20 Submittal of Claims

140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

140.22 Magnetic Tape Billings

140.23 Payment of Claims

140.24 Payment Procedures

140.25 Overpayment or Underpayment of Claims

140.26 Payment to Factors Prohibited

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140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.31 Emergency Services Audits
 140.32 Prohibition on Participation, and Special Permission for Participation
 140.33 Publication of List of Terminated, Suspended or Barred Entities
 140.35 False Reporting and Other Fraudulent Activities
 140.40 Prior Approval for Medical Services or Items
 140.41 Prior Approval in Cases of Emergency
 140.42 Limitation on Prior Approval
 140.43 Post Approval for Items or Services When Prior Approval Cannot Be Obtained
 140.55 Recipient Eligibility Verification (REV) System
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
 140.72 Voucher Advance Payment and Expedited Payments
 140.73 Drug Manual (Recodified)
 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
 140.80 Hospital Provider Fund
 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 140.95 Hospital Services Trust Fund
 140.96 General Requirements (Recodified)
 140.97 Special Requirements (Recodified)
 140.98 Covered Hospital Services (Recodified)
 140.99 Hospital Services Not Covered (Recodified)
 140.100 Limitation On Hospital Services (Recodified)
 140.101 Transplants (Recodified)
 140.102 Heart Transplants (Recodified)
 140.103 Liver Transplants (Recodified)
 140.104 Bone Marrow Transplants (Recodified)
 140.110 Disproportionate Share Hospital Adjustments (Recodified)
 140.116 Payment for Inpatient Services for GA (Recodified)
 140.117 Hospital Outpatient and Clinic Services (Recodified)
 140.200 Payment for Hospital Services During Fiscal Year 1982 (Recodified)
 140.201 Payment for Hospital Services After June 30, 1982 (Repealed)
 140.202 Payment for Hospital Services During Fiscal Year 1983 (Recodified)
 140.203 Limits on Length of Stay by Diagnosis (Recodified)
 140.300 Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
 140.350 Copayments (Recodified)
 140.360 Payment Methodology (Recodified)

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140.361 Non-Participating Hospitals (Recodified)
 140.362 Pre July 1, 1989 Services (Recodified)
 140.363 Post June 30, 1989 Services (Recodified)
 140.364 Prepayment Review (Recodified)
 140.365 Base Year Costs (Recodified)
 140.366 Restructuring Adjustment (Recodified)
 140.367 Inflation Adjustment (Recodified)
 140.368 Volume Adjustment (Repealed)
 140.369 Groupings (Recodified)
 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
 140.374 Alternatives (Recodified)
 140.375 Exemptions (Recodified)
 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.391 Definitions (Recodified)
 140.392 Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.396 Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
 140.398 Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section
 140.400 Payment to Practitioners, Nurses and Laboratories
 140.410 Physicians' Services
 140.411 Covered Services By Physicians
 140.412 Services Not Covered By Physicians
 140.413 Limitation on Physician Services
 140.414 Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
 140.416 Optometric Services and Materials
 140.417 Limitations on Optometric Services
 140.418 Department of Corrections Laboratory
 140.420 Dental Services
 140.421 Limitations on Dental Services
 140.422 Requirements for Prescriptions and Dispensing Items of Pharmacy Items - Dentists
 140.425 Podiatry Services
 140.426 Limitations on Podiatry Services
 140.427 Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
 140.428 Chiropractic Services

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140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.451	Prospective Drug Review and Patient Counseling
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days;

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amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16759, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140-Table H and 140-Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147-Table A and 147-Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12

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Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective

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October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993;

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amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. Reg. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. 10606, effective June 1, 1998; emergency amendment at 22 Ill. Reg. 13117, effective July 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 16302, effective August 28, 1998; amended at 22 Ill. Reg. 18979, effective September 28, 1998.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.461 Clinic Participation, Data and Certification Requirements

- a) Hospital-based organized clinics must:

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- 1) Have an administrative structure, staff program, physical setting, and equipment to provide comprehensive medical care;
 - 2) Agree to assume complete responsibility for diagnosis and treatment of the patients accepted by the clinic, or provide, at no additional cost to the Department, for the acquisition of these services through contractual arrangements with external medical providers;
 - 3) Be adjacent to or on the premises of the hospital and be licensed under the Hospital Licensing Act or the University of Illinois Hospital Act; and
 - 4) Meet the applicable requirements of 89 Ill. Adm. Code 148.40(d).
- b) Encounter rate clinics must participate ~~be presently participating~~ in the Medical Assistance Program as an encounter rate clinic as of July 1, 1998, or be a clinic operated by a county with a population of over three million. Individual practitioners associated with such centers may apply for participation in the Medical Assistance Program in their individual capacities. In order to participate in the Maternal and Child Health Program, as described in Subpart G, encounter rate clinics shall be required to meet the additional participation requirements described in Section 140.924(a)(2).
- c) Rural health clinics must be certified by the Health Care Financing ~~Section--Security~~ Administration as meeting the requirements for Medicare participation.
- d) Federally Qualified Health Centers (FQHC):
- 1) Must be Health Centers which:
 - A) receive a grant under Section 329, 330 or 340 of the Public Health Service Act; or
 - B) based on the recommendation of the Health Resources and Services Administration within the Public Health Service, are determined to meet the requirements for receiving such a grant.
 - 2) Section 4602 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 90), which amended Section 1902(a)(55) of the Social Security Act (42 USC 9-S-E- Section 1396a(a)(55), requires states to receive and initially process Medicaid applications from low-income pregnant women and children under the age of 19 at locations other than the local Department of Human Services (DHS) Public-Aid office. Such a site is referred to as an outstation.
 - A) Outstations will be located at those FQHCs which the Department determines serve heavy Medicaid populated areas. For areas in which the Department determines that maintaining outstation ~~outstation~~ workers is not economical, the DHS local Public-Aid office will continue to be the application location.
 - B) The FQHCs, which will provide outstation eligibility staff to accept and assist in the initial processing of the Medicaid BPA--2379ME application for pregnant women and children, will forward the completed application to the

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- appropriate DHS BPA local office. Initial processing means accepting and completing the application, providing information and referrals, obtaining required documentation to complete processing of the application, assuring that the information contained on the application form is complete and conducting any necessary interviews. Neither the FQHCs nor the outstation workers will evaluate the information contained on the application, nor make any determination of eligibility or ineligibility. The DHS BPA local office is responsible for these functions.
- C) Costs allowable under the federal outstation mandate for completing the Medicaid application form-BPA-2379ME will be itemized in Section B of Schedule I of the FQHC Medicaid cost report and will be provided annually in the FQHC cost reporting process. These allowable costs will be collected, computed and calculated, and will result in the establishment of an outstation administrative rate and a Medicaid rate. The allowable costs are:
- i) Salary of outstation worker;
 - ii) Fringe benefits;
 - iii) Training;
 - iv) Travel; and
 - v) Supplies.
- D) FQHC outstation workers must receive certification through Maternal and Child Health (MCH) process training by the Department before they begin to perform eligibility processing functions. Failure to become certified results in any MCH application completed by an ineligible worker being non-allowed on the cost report.
- E) FQHCs must have adequate staff trained with proper backup to accommodate unforeseen problems. FQHCs must be able to meet the demand of this initiative, either using staff at one location or rotating staff as dictated by workload or staffing availability. The FQHC must have staff available at each outstation location during regular office operating hours.
- F) Outstation intake staff may perform other FQHC intake processing functions, but the time spent on outstation activities must be documented and must be identifiable for cost reporting and auditing purposes.
- G) The FQHC must display a notice in a prominent place at the outstation location advising potential applicants of the times that outstation intake workers will be available. The notice must include a telephone number that applicants may call for assistance.
- H) The FQHC must comply with federal and State laws and regulations governing the provision of adequate notice to persons who are blind or deaf or who are unable to read or

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understand the English language.

e) Individual practitioners associated with such centers may apply for participation in the Medical Assistance Program in their individual capacities.

f) Maternal and Child Health Clinics

1) Types of Clinics

The following clinics shall qualify as Maternal and Child Health Clinics:

A) Certified Hospital Ambulatory Primary Care Centers (CHAPCC), which are hospital-based organized outpatient clinics, as described in subsection (a) above, meeting the participation, data and certification requirements described in subsections (f)(2) through (f)(5) below, that, through staff and supporting resources, provide ambulatory primary care to Medicaid children from birth through 20 years of age, and pregnant women in a non-emergency room setting. At least 50 percent of all staff physicians providing care in a CHAPCC must routinely provide obstetric, pediatric, internal medicine, or family practice care in the clinic setting, and at least 50 percent of patient visits to the CHAPCC must be for primary care.

B) Certified Hospital Organized Satellite Clinics (CHOSC), which are clinics meeting the participation, data and certification requirements described in subsections (f)(2) through (f)(5) below, that are owned, operated, and/or managed by a hospital but do not qualify as hospital-based organized clinics, as described in subsection (a) above, because they are not located adjacent to or on the premises of the hospital or are not licensed under the Hospital Licensing Act or the University of Illinois Hospital Act. Through staff and supporting resources, these clinics provide ambulatory primary care in a non-emergency setting to Medicaid children from birth through 20 years of age, and to pregnant women. At least 50 percent of all staff physicians providing care in a CHOSC must routinely provide obstetric, pediatric, internal medicine, or family practice care in the clinic setting, and at least 50 percent of patient visits to the CHOSC must be for primary care. Primary care consists of basic health services provided by a physician or other qualified medical professional to maintain the day-to-day health status of a patient, without requiring the level of medical technology and specialized expertise necessary for the provision of secondary and tertiary care. CHOSCs shall meet the requirements in subsections (a)(1) and (a)(2) above.

C) Certified Obstetrical Ambulatory Care Centers (COBACC), which are hospital-based organized clinic entities, as described in subsection (a) above, meeting the

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participation, data and certification requirements described in subsections (f)(2) through (f)(5) below, that, through staff and supporting resources, provide primary care and specialty services to Medicaid-eligible pregnant women, especially those determined to be non-compliant or at high risk, in an outpatient setting.

D) Certified Pediatric Ambulatory Care Centers (CPACC), which are hospital-based organized clinic entities, as described in subsection (a) above, owned and operated by a hospital as described in 89 Ill. Adm. Code 149.50(c)(3), and meeting the participation, data and certification requirements described in subsections (f)(2) through (f)(5) below, that, through staff and supporting resources, provide pediatric primary care and specialty services as described in Section 140.462(e)(3)(C) to Medicaid enrolled children with specialty needs, from birth through 20 years of age in an outpatient setting. Hospitals with CPACCs must also provide primary care for at least 1,500 children, either through its CPACC or through a CHAPCC, CHOSC or encounter rate clinic operated by the same hospital. Hospitals unable to meet this volume requirement must agree to serve as a specialty referral site for another hospital operating a CPACC through a written agreement submitted to the Department.

2) General Participation Requirements

In addition to the Maternal and Child Health participation requirements described in Section 140.924(a)(1), the Maternal and Child Health clinics identified in subsection (f)(1) above must:

A) Be operated by a disproportionate share hospital, as described in 89 Ill. Adm. Code 148.120, be staffed by board certified/eligible physicians who have hospital admitting and/or delivery privileges, be operated by a hospital in an organized corporate network of hospitals having a total of more than 1,000 staffed beds, and agree to provide care for a minimum of 100 pregnant women or children; or be a primary care teaching site of an organized academic department of:

i) In the case of clinics described in subsections (f)(1)(A) and (f)(1)(B) above, a pediatric or family practice residency program accredited by the American Accreditation Council for Graduate Medical Education or other published source of accrediting information with at least 130 full-time equivalent residents.

ii) In the case of clinics described in subsection (f)(1)(C) above, an obstetrical residency program accredited by the American Accreditation Council for Graduate Medical Education or other published source of accrediting information with at least 130 full-time equivalent residents.

iii) In the case of clinics described in subsection (f)(1)(D) above, a pediatric or family practice

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residency program accredited by the American Accreditation Council for Graduate Medical Education or other published source of accrediting information with at least 130 full-time equivalent residents;

- B) Under the direction of a board certified/eligible physician who has hospital admitting and/or delivery privileges and provides direct supervision to residents practicing in the certified ambulatory site, provide:

i) In the case of clinics described in subsections (f)(1)(A) and (f)(1)(B) above, primary care.

ii) In the case of clinics described in subsection (f)(1)(C) above, obstetric and specialty services.

iii) In the case of clinics described in subsection (f)(1)(D) above, primary care and specialty services;

- C) Maintain a formal, ongoing quality assurance program that meets the minimum standards of the Joint Commission on Accreditation of Health Care Organizations (JCAHO);

- D) Provide historical evidence of fiscal solvency and financial projections for the future, in a manner specified by the Department; and

- E) Utilize a formal client tracking and care management system that affords timely maintenance of, access to, and continuity of medical records without compromising client confidentiality.

3) Special Participation Requirements

In addition to the Maternal and Child Health provider participation requirements described in Section 140.924(a)(1), and the general participation requirements described in subsection (f)(2) above, special participation requirements shall apply as follows:

- A) Clinics described in subsections (f)(1)(A) and (f)(1)(B) above must:

- i) Serve a total population that includes at least 20% Medicaid and medically indigent clients;
- ii) Perform a risk assessment on pregnant women assigned to them in order to determine if the woman is at high risk; and
- iii) Provide or arrange for specialty services when needed by pregnant women or children.

- B) Clinics described in subsection (f)(1)(C) must:

- i) Be a distinct department of a hospital that also operates as a Level II or Level III perinatal center;
- ii) Provide services to pregnant women demonstrating the need for extensive health care services due to complicated medical conditions placing them potentially at high risk of abnormal delivery, including substance abuse or addiction problems. Hospital clinics will not qualify to participate

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unless they provide both primary and specialty services to women who currently are Medicaid clients, or Medicaid-eligible women who receive services at the COBACC; in this capacity, COBACCs, as perinatal centers, shall serve pregnant women determined to be at high risk of abnormal delivery;

- iii) Operate a designated 24-hour per day emergency referral site with a defined practice for the care of obstetric emergencies;

- iv) Have an established program of services for the treatment of substance-abusing pregnant women;

- v) Integrate an accredited obstetrical residency program with subspecialty residency programs to encourage future physicians to devote part of their professional services to disadvantaged and underserved high-risk pregnant women; and

- vi) Operate organized ambulatory clinics for pregnant women that are easily accessible to the medically underserved.

- C) Clinics described in subsection (f)(1)(D) above must:

- i) Provide primary and specialty services for children demonstrating the need for extensive health care services due to a chronic condition as described in Section 140.462(e)(3)(C);

- ii) Operate a designated 24-hour per day emergency referral site with a defined practice for the care of pediatric emergencies;

- iii) Provide access to necessary pediatric primary and specialty services within 24 hours after referral;

- iv) Be a distinct department of a disproportionate share hospital, as described in 89 Ill. Adm. Code 148.120(a)(5);

- v) Integrate an accredited pediatric or family practice residency program with subspecialty residency programs to encourage future physicians to devote part of their professional services to disadvantaged and underserved children with specialty needs; and

- vi) Operate organized ambulatory clinics for children that are easily accessible to the medically underserved.

4) Data Requirements

The Maternal and Child Health clinics described in subsection (f)(1) above shall be required to submit patient level historical data to the Department, which may include, but shall not be limited to historical data on the use of the hospital emergency room department.

5) Certification Requirements

Certification of qualifying status of a Maternal and Child Health clinic identified in subsection (f)(1) above shall occur annually

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during the first two years of participation and every other year thereafter. In addition:

- A) The certification process shall consist of a review of the completed application and related materials to determine provisional certification status. Those centers submitting approved applications shall then be reviewed on-site by Department staff within 60 days after application approval. Final notification of certification status shall be rendered within 30 days after the site review, pending provider submittal of a written plan of correction for any deficiencies discovered during the entire application process.

- B) Entities interested in becoming a Maternal and Child Health clinic must direct a written request for an application packet to the following address:

Maternal and Child Health Clinic
Certification

Bureau of Comprehensive Health Hospital Services

Illinois Department of Public Aid

201 South Grand Avenue East, Concourse

Springfield, Illinois 62763-0001

- C) Certification status shall be suspended for Maternal and Child Health clinics identified in subsection (f)(1) above that do not submit data to the Department, as required under subsection (f)(4) above, within 180 days after the Department's request for the submittal of such data.

(Source: Amended at 22 Ill. Reg. 18979, effective SEP 30 1998)

Section 140.463 Clinic Service Payment

- a) Hospital-Based Organized Clinics
- 1) With respect to those hospital-based organized clinics that qualify as Maternal and Child Health clinics, as described in Section 140.461(f)(1), payment shall be in accordance with Section 140.930.
 - 2) With respect to all other hospital-based organized clinics, payment shall be in accordance with 89 Ill. Adm. Code 148.140.
- b) Encounter Rate Clinics ~~Eligible--Payment shall be made at the lesser of:~~
- 1) For encounter rate clinics providing comprehensive health care for women and infants or encounter rate clinics operated by a County with a population of over three million, payment shall be made at the lesser of: ~~the clinic's approved all-inclusive interim-per-encounter rate as of May 17, 1991, or~~
 - A) \$50 per encounter; or
 - B) The clinic's charge to the general public.
 - 2) For all other encounter rate clinics, payment shall be made at

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the lesser of: ~~\$50-per-encounter, or~~

- A) ~~The clinic's approved all inclusive interim per encounter rate as of May 1, 1981;~~
- B) \$50 per encounter; or

- C) ~~The clinic's charge to the general public.~~

3) ~~the clinic's charge to the general public.~~

c) Federally Qualified Health Centers (FQHC)

- 1) Medical Encounter Rate

- A) Payment for services rendered after March 31, 1990, shall be made at an individual, all inclusive, prospective per diem rate calculated on the basis of the Department's encounter rate methodology and audited provider fiscal information reported on the Medicaid Freestanding Federally-Funded Health Center Worksheet (Health Care Financing Administration Form 242), as supplemented by FQHC Medicaid Supplemental Schedules A, B and C reflecting the actual costs of delivering encounter services as listed in Section 140.462(d)(2).

- B) All cost reports will be audited by the Department to determine allowable costs for rate setting. The provider will be advised of any adjustments resulting from these audits.

- C) New rates effective each July 1 will be based on certified cost information from the provider's most recently audited fiscal year.

- D) Allowable costs will be updated to the midpoint of the rate year by an inflation factor derived from published economic indices.

- E) Interim payment for covered services rendered by FQHCs enrolled as of March 31, 1990, for which no audited costs are available shall be made at the individual FQHC rate in effect on March 31, 1990, as established by the Department.

- F) Interim payment for covered services rendered by FQHCs enrolled between March 31, 1990, and January 1, 1991, shall be made at the higher of:

- i) the provider's approved Medicare rate established by the designated federal intermediary for Rural Health Center or Federally Funded Health Center Services; or
- ii) the 75th percentile of the statewide range of the Department's established encounter clinic rates (as defined in subsection (a) above) as of March 31, 1990.

- G) Payment shall be made at the interim rate to FQHCs enrolled before January 1, 1991, for covered services rendered from the later of the date of enrollment or April 1, 1990, until the certified date of provider receipt of the cost-based rate established by the Department for that provider.

- H) When an individual cost-based rate has been established by the Department in accordance with the method described in

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subsection (c)(1)(A) above, the Department shall reconcile interim payments made for covered services.

i) Rate retroactivity from April 1, 1990, will only apply to clinics enrolled as of March 31, 1990, which submit an application to the Public Health Service for Federally Qualified Health Center status by November 1, 1990, and are subsequently designated as federally qualified.

ii) If the cost-based rate is higher than the interim rate, the Department shall pay the provider the rate differential for each claim paid at the interim rate.

iii) If the cost-based rate is lower than the interim rate, the provider shall refund to the Department the rate differential for each claim paid at the interim rate, either by direct payment to the Department or as a credit applied against future service claims.

I) Interim payment for covered services rendered by FQHCs enrolled on or after January 1, 1991, shall be made at the higher of:

i) the provider's approved Medicare rate established by the designated federal intermediary for Rural Health Centers and Federally Funded Health Centers Services; or

ii) the median of the statewide range of the Department's established cost-based FQHC rates in effect at the time of enrollment.

J) Payment shall be made at the interim rate for Centers enrolled on or after January 1, 1991, for covered services rendered between the date of enrollment and 30 days after the date of Department receipt of the complete and correct cost report of the provider. Payment for covered medical services rendered by the provider 30 days after Department receipt of the provider's complete and correct cost report will be made at the rate determined on the basis of the submitted cost report and the Department's FQHC rate methodology.

K) If the FQHC has not submitted the required audited fiscal information on the forms specified in subsection (c)(1)(A) of this Section within 90 days after of the certified date of receipt of the forms, the Department shall suspend payment for covered medical services until the required information is received by the Department, unless the enrolled Center has been in operation less than one year and has no audited cost history.

L) Enrolled FQHCs which have been in operation less than one year and have no audited cost history must submit required audited fiscal information reflecting the first six months of operation on the forms specified in subsection (c)(1)(A)

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of this Section, within 90 days after the later of the end of the sixth month of operation or the certified mail date of receipt of the forms. The rate calculated from these costs will be in effect for services rendered on and after the first day of the month following the month of receipt of the required fiscal information by the Department.

M) The Department will not process a claim for payment of FQHC services rendered after June 30, 1990, that does not indicate all individual medical services delivered during the encounter, by procedure code.

2) Dental Encounter Rate

A) Payment for dental services rendered after March 31, 1990, shall be made at an individual, all inclusive, prospective per diem rate calculated on the basis of the Department's encounter rate methodology and audited provider fiscal information reported on the Medicaid Freestanding Federally-Funded Health Center Worksheet (Health Care Financing Administration Form 242), as supplemented by FQHC Medicaid supplemental Schedules A, B, and C reflecting the actual costs of delivering dental services.

B) Direct costs related to operation of the clinic in order to provide allowable dental services will be reported on the cost report and used in the rate calculation process.

C) All cost reports will be audited by the Department to determine allowable costs for rate setting. The provider will be advised of any adjustments resulting from these audits.

D) New rates effective each July 1 will be based on certified cost information from the provider's most recently audited fiscal year.

E) Allowable costs will be updated to the mid point of the rate year by an inflation factor derived from published economic indices.

F) Payment for covered dental services shall be made by the Department's prepaid dental service contractor.

G) When an individual cost-based rate has been established by the Department in accordance with the method described in subsection (c)(2)(A) above, the Department's prepaid dental service contractor shall reconcile interim payments made for covered dental services.

i) Rate retroactivity will only apply to clinics enrolled as of March 31, 1990, that which submit an application to the Public Health Service for Federally Qualified Health Center status by November 1, 1990, and are subsequently designated as federally qualified.

ii) If the cost-based rate is higher than the interim rate, the Department's prepaid dental service contractor shall pay the provider the rate

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- difference for each claim paid at the interim rate.
- iii) If the cost-based rate is lower than the interim rate, the provider shall refund to the Department the rate differential for each claim paid at the interim rate.
- H) Interim payment for covered dental services rendered by FQHCs enrolled on or after January 1, 1991, shall be made at the median of the statewide range of the Department's established cost-based FQHC dental rates in effect at the time of enrollment.
- I) Payment shall be made at the interim rate for Centers enrolled on or after January 1, 1991, for covered dental services rendered between the date of enrollment and 30 days after the date of the Department receipt of the complete and correct cost report of the provider. Payment for covered dental services rendered by the provider after 30 days following of Department receipt of the provider's complete and correct cost report will be made at the rate determined on the basis of the submitted cost report and the Department's FQHC rate.
- J) If the FQHC has not submitted the required audited fiscal information on the forms specified in subsection (c)(2)(A) above within 90 days after of the certified mail date of receipt of the forms, the Department's prepaid dental service contractor shall suspend payment for covered dental services until the required information is received by the Department, unless the enrolled Center has been in operation less than one year and has no audited cost history.
- K) Enrolled FQHCs which have been in operation less than one year and have no audited cost history must submit required audited fiscal information reflecting the first six months of operation on the forms specified in subsection (c)(2)(A) within 90 days after the later of the end of the sixth month of operation or the certified date of receipt of the forms. The rate calculated from these costs will be in effect for dental services rendered on and after the first day of the month following the month of receipt of the required fiscal information by the Department.
- 3) Rate Appeals Process
- A) All appeals of audit adjustments or rate determinations must be submitted in writing to the Department. Appeals submitted within 30 calendar days after of the rate notification, if upheld, shall be made effective as of the beginning of the rate year. The effective date of all other upheld appeals shall be the first day of the month following the date the completed appeal was submitted. Appeals for any rate year must be filed before the close of the rate year.
- B) To be accepted for review, the written appeal shall include:

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- i) The current approved reimbursement rate, allowable costs, and the additional reimbursable costs sought through the appeal;
- ii) A clear, concise statement of the basis for the appeal;
- iii) A detailed statement of financial, statistical, and related information in support of the appeal, indicating the relationship between the additional reimbursable costs as submitted and the circumstances creating the need for increased reimbursement;
- iv) A citation to any mandated or contractual requirement pertinent to the appeal; and
- v) A statement by the provider's chief executive officer or financial officer that the application of the rate appeal and information contained in the vendor's reports, schedules, budgets, books, and records submitted are true and accurate.
- C) Rate appeals may be considered for the following reasons:
- i) Mechanical or clerical errors committed by the provider in reporting historical expenses used in the calculation of allowable costs.
- ii) Mechanical or clerical errors committed by the Department in auditing historical expenses as reported and/or in calculating reimbursement rates.
- iii) The Department and the provider have entered into a written agreement to amend, alter, or modify substantive programmatic or management procedures attendant to the delivery of services, which have a substantial impact upon the costs of service delivery.
- iv) Substantial treatment service charges are required as a result of mandated regulatory charges.
- v) Substantial changes in the physical plant are required as a result of mandated licensure requirements. In such instances, the provider must submit a plan of corrections for capital improvements approved by the licensing authority, along with the required cost information.
- vi) State and/or Federal regulatory requirements have generated a substantial increase in allowable costs.
- D) The Department shall rule on all appeals within 120 calendar days after of receipt of the appeal except that, if additional information is required from the facility, the period shall be extended until such time as the information is provided.
- E) Appeals shall be submitted to the Department's Bureau of Comprehensive Health Services, 3rd-floor-Bloom Building, 201 South Grand Avenue East, Concourse, Springfield, Illinois 62763.

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d) Maternal and Child Health Clinics. Payment shall be made in accordance with Section 140.930.

e) Transitional Payments for FQHCs and Certain Encounter Rate Clinics
 1) Certain clinics will be eligible to receive monthly transitional payments for managing the health care needs of certain clients under their care beginning December 1996. Certain clinics will be eligible to receive transitional payments for the month of December 1996, and monthly thereafter, under the conditions described in this subsection. To receive monthly transitional payments, clinics must:

- A) be either:
 - i) a Federally Qualified Health Center, as defined in Section 140.462(d), or
 - ii) an Encounter Rate Clinic, as defined in Section 140.462(b), that has provided comprehensive health services to Medicaid clients prior to December 1996;
 - B) have a signed transitional payment contract with the Department; and
 - C) have a contract with a Health Maintenance Organization (HMO) or Prepaid Health Plan (PHP) that has a contract to provide comprehensive health services, or, upon the implementation of MediPlan Plus, have a contract with a Managed Care Entity (MCE). When MediPlan Plus is implemented, HMOs, PHPs or Managed Care Community Networks (MCCNs) may serve as MCEs (see 89 Ill. Adm. Code 142.110 for definition of terms).
- 2) Transitional payments to a clinic will consist of a per member per month payment for any Illinois Medicaid client enrolled with an HMO or PHP or, upon the implementation of MediPlan Plus, an MCE, for whom the clinic was their assigned care provider on the last day of the month.
- 3) For the first six months covered under a transitional payment contract, the Department will make transitional payments for any number of Medicaid clients enrolled with an HMO, PHP or MCCN and assigned to the qualifying clinic as their primary care site. Thereafter, qualified clinics will receive transitional payments for a given month only if the total number of Medicaid clients enrolled with an HMO, PHP or MCCN and assigned to the qualifying clinic, meets or exceeds the following threshold levels established in the qualifying clinic's transitional payment contract for that month:
- A) For the seventh through twelfth month, such threshold shall equal 20 percent of the qualifying clinic's Medicaid patient base;
 - B) For the thirteenth through eighteenth month, such threshold shall equal 30 percent of the qualifying clinic's Medicaid patient base;
 - C) For the nineteenth through twenty-fourth month, such threshold shall equal 40 percent of the qualifying clinic's

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Medicaid patient base;
 D) For the twenty-fifth month through the term of the contract, such threshold shall equal 50 percent of the qualifying clinic's Medicaid patient base.

4) The Medicaid patient base shall be a number mutually agreed to by the Department and the qualifying clinic and established in the transitional payment contract that equals the number of Medicaid clients registered as patients of the qualifying clinic as of November 1996. If the qualifying clinic did not have Medicaid clients registered as patients as of November 1996, the mutually agreed to Medicaid patient base shall be the number of Medicaid clients registered as patients of the qualifying clinic as of the sixth month the qualifying clinic receives transitional payments under this Section.

5) Transitional payments shall equal:

- A) eight dollars per member per month for the first 12-month period after of the clinic's effective date of a clinic's contract with the Department;
- B) six dollars per member per month for the second 12-month period after of the clinic's effective date of a clinic's contract with the Department;
- C) two dollars per member per month for the third 12-month period after of the clinic's effective date of a clinic's contract with the Department.

6) Total transitional payments under subsection (e) shall not exceed:

- A) \$2,625,000 through June 30, 1997;
- B) \$4,500,000 for each 12-month period thereafter that begins on July 1 and ends on June 30 of the following year.

7) In the event that payments exceed the limits described in subsection (e)(6) above, the Department will adjust future payments to clinics to recover any excess payment.

8) No clinic qualifying under this subsection (e) shall receive transitional payments beyond the earlier of:

- A) three years from the effective date of a clinic's signed contract, or
- B) June 30, 2000.

(Source: Amended at 22 Ill. Reg. effective SEP 30 1998 1099)

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1) Heading of the Part: Food Service Sanitation Code2) Code Citation: 77 Ill. Adm. Code 750

3) Section Numbers: Adopted Action:
 750.10 Amendment
 750.540 Amendment
 750.551 Amendment
 750.1810 Amendment
 750.1831 New Section
 750.1836 Amendment
 750.1865 Amendment

4) Statutory Authority: Implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and the Sanitary Food Preparation Act [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21], Section 11.1 of the Sanitary Food Preparation Act [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act [410 ILCS 625].

5) Effective Date of Amendments: October 1, 19986) Does this Rulemaking Contain an Automatic Repeal Date? No7) Does this Rulemaking Contain any Incorporation by Reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.

9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: October 17, 1997; 21 Ill. Reg. 13763

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No

11) Difference Between Proposal and Final Version: In Section 750.10 the terms high-risk, medium-risk, and low-risk facilities were changed to Category I facility, Category II facility, and Category III facility, respectively.

Section 750.551(a)(1) was revised to read as follows:

1) Category I (one) facilities. Effective October 1, 1999, Category I (one) facilities as defined in Section 750.10 shall have a certified food service sanitation manager on the premises at all times that potentially hazardous food is being handled, except as specified in subsections (a)(1)(A) and (B) of this Section. A certified food

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service sanitation manager is not required on the premises during hours of operation when all food products sold have been prepared and packaged commercially or prepared under the supervision of a certified food service sanitation manager.

A) All community-based programs licensed by the Department of Human Services and operating under rules that do not reference this Part are exempt from subsection 750.540(a)(1) of this Section (e.g., Community Integrated Living Arrangements, including the formerly licensed Community Residential Alternatives; Supervised Living Arrangements; Home Individual Placements and Special Home Placements; Child and Specialized Group Homes or Child Care Institutions for no more than 7 to 10 individuals).

B) Health care facilities licensed under the Hospital Licensing Act [210 ILCS 85], Nursing Home Care Act [210 ILCS 45], or Alternative Health Care Delivery Act [210 ILCS 3] that are subject to this Part may comply in one of the following alternative ways:

i) Health care facilities may develop a list of foods approved by a certified food service sanitation manager that, under specific circumstances, may be prepared or served by trained staff under the supervision of a health care professional without the presence of a certified food service sanitation manager. These specific circumstances may include late night snacks or light meals prepared at the request of a physician or individual patient/resident. The list of foods shall include instructions for preparing, serving and storing the foods.

ii) Health care facilities as specified in subsection (a)(1)(B) are exempt from the requirement of subsection (a)(1) of this Section provided the food service in each facility is under the operational supervision of a manager or supervisor who has been certified in food service sanitation and the food service staff annually receive in-service food sanitation training as follows: for nursing homes, in accordance with the rules promulgated pursuant to the Nursing Home Care Act; and for all other health care facilities, 5 hours annually.

In Section 750.551, the proposed \$10 late renewal fee for manager certification has been eliminated, and the proposed 90 grace period has been changed to 30 days.

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12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All changes agreed upon by the Department and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee.

13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

14) Are there any other Amendments Pending on this Part? No

15) Summary and Purpose of Amendments: These rule changes are related to the Food Service Sanitation Manager Certification (FSSMC) Program contained in the Food Service Sanitation Code (77 Ill. Adm. Code 750). This certification program is a well-acknowledged method of assuring that trained food service managers prepare and supervise the preparation of safe food for consumers to prevent foodborne illness.

The economic impact of foodborne illness in Illinois is difficult to track because most cases are not reported to the Department. The Centers for Disease Control and Prevention estimate that only 1% to 10% are actually reported. Of those cases only a small number are confirmed through laboratory analysis.

At the inception of the FSSMC Program, the Department expected that the one required certified food service manager per establishment would train other managers and supervisors in food safety practices in the facility. This has not occurred to a very large extent. For this reason the Department is requiring Category I facilities, with exceptions for certain health care facilities, to have a certified food service sanitation manager on the premises at all times that potentially hazardous food is being handled.

The addition of continuing education requirements for recertification of food service managers by training and/or testing gives assurance that all certified individuals will have updated knowledge about changes in food safety regulations, practices and pathogens. This updated knowledge also gives greater credibility to the recertification process which previously allowed managers certified 20 years ago to become recertified with no evidence that they still retained that original knowledge, let alone were aware of updated information. To allow the greatest flexibility in meeting the training and or testing requirements, a number of options will be accepted. Existing training courses, seminars and instructors with food safety training experience will be used whenever possible.

The intention in providing a 30-day grace period for certificate renewal after the expiration date is to increase the flexibility of the Department's response to requests for late renewals. Increasing the eligibility requirements for new FSSMC instructors assures the Department

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that the candidates are knowledgeable and able to fill the role of "expert" food safety instructor. Increasing the continuing education from 10 to 20 hours in 5 years also assures the Department that approved instructors are keeping up with rule changes, foodborne pathogens and food handling practices.

The option for alternate methods of training, in addition to the conventional classroom with a teacher, is being added to allow for new technology being developed or already in use by some approved sponsors of the FSSMC course. These alternate methods provide a greater flexibility in the training process and allow the candidate more choices in meeting the training requirements. In some cases, the alternatives are actually more effective than conventional classroom training. Any alternate method must still meet all qualifying criteria that existing methods must meet for approval.

The Department is requiring that all approved instructors be allowed to monitor the administration of the State-developed examination, just as they already are for the other approved FSSMC examinations. Private consultants and not-for-profit organizations, previously not included in the category of approved monitors, will now be able to administer any examination. This change also makes the security standard for all examinations equivalent. The Department will increase auditing of courses and exams to verify security.

16) Information and Questions Regarding these Adopted Amendments shall be directed to:

Gail M. DeVito
Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson
Springfield, Illinois 62761
(217)782-6187

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER m: FOOD, DRUGS AND COSMETICS

PART 750

FOOD SERVICE SANITATION CODE

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AUTHORITY: Implementing the Illinois Food, Drug and Cosmetic Act [410 ILCS 620] and the Sanitary Food Preparation Act [410 ILCS 650] and authorized by Section 21 of the Illinois Food, Drug and Cosmetic Act [410 ILCS 620/21] and Section 11.1 of the Sanitary Food Preparation Act [410 ILCS 650/11.1] and the Food Handling Regulation Enforcement Act [410 ILCS 625].

SOURCE: Adopted December 23, 1975; amended at 2 Ill. Reg. 19, p. 180, effective May 13, 1978; old rules repealed, new rules adopted and codified at 7 Ill. Reg. 1336, effective January 25, 1983; amended at 7 Ill. Reg. 16415,

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effective November 23, 1983; amended at 11 Ill. Reg. 2345, effective February 1, 1987; amended at 11 Ill. Reg. 18735, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 14380, effective September 2, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 17918, effective December 1, 1988; amended at 13 Ill. Reg. 1819, effective January 30, 1989; amended at 13 Ill. Reg. 18888, effective December 1, 1989; amended at 14 Ill. Reg. 19975, effective January 1, 1991; amended at 14 Ill. Reg. 20535, effective January 1, 1991; amended at 16 Ill. Reg. 15995, effective October 1, 1992; amended at 17 Ill. Reg. 18588, effective October 15, 1993; amended at 20 Ill. Reg. 2171, effective January 20, 1996; amended at 20 Ill. Reg. 3210, effective February 5, 1996; amended at 22 Ill. Reg. 19009, effective OCT 01 1998.

SUBPART A: GENERAL PROVISIONS

Section 750.10 Definitions

The following definitions shall apply in the interpretation and the enforcement of this Part:

"Acceptable product list" means a list of foods, acceptable to the regulatory authority, which because of their characteristics will present a barrier to the growth of Clostridium botulinum.

"Barrier" means a safety factor of a physical, biological, or chemical nature which inhibits or minimizes the growth of microorganisms including those which may be infectious or toxigenic.

"Beef pattie mix" (or "Beef Patties" if in pattie form) means chopped beef with or without the addition of beef fat as such and/or seasonings.

"Category I facility" means a food establishment that presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and/or the type of population served by the facility. Category I facilities include those where the following operations occur:

cooling of potentially hazardous foods, as part of the food handling operation at the facility;

potentially hazardous foods are prepared hot or cold and held hot or cold for more than 12 hours before serving;

potentially hazardous cooked and cooled foods must be reheated;

potentially hazardous foods are prepared for off-premises serving for which time-temperature requirements during transportation,

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holding and service are relevant;

complex preparation of foods or extensive handling of raw ingredients with hand contact for ready-to-eat foods occurs as part of the food handling operations at the facility;

vacuum packaging and/or other forms of reduced oxygen packaging are performed at the retail level; or

immuno-compromised individuals such as the elderly, young children under age 4 and pregnant women are served, where these individuals comprise the majority of the consuming population.

"Category II facility" means a food establishment that presents a medium relative risk of causing foodborne illness based upon few food handling operations typically implicated in foodborne illness outbreaks. Category II facilities include those where the following operations occur:

hot or cold foods are held at required temperatures for no more than 12 hours and are restricted to same day services;

foods prepared from raw ingredients use only minimal assembly; and

foods that require complex preparation (whether canned, frozen or fresh prepared) are obtained from approved food processing plants, high risk food service establishments or retail food stores.

"Category III facility" means a food establishment that presents a low relative risk of causing foodborne illness based upon few or no food handling operations typically implicated in foodborne illness outbreaks. Category III facilities include those where the following operations occur:

only pre-packaged foods are available or served in the facility, and any potentially hazardous foods available are commercially pre-packaged in an approved processing plant;

only limited preparation of non-potentially hazardous foods and beverages, such as snack foods and carbonated beverages, occurs at the facility; or

only beverages (alcoholic and non-alcoholic) are served at the facility.

"Certified food service manager or supervisor" means a person

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certified in compliance with Section 750.540.

"Cold smoke process" is a smoking process used to apply smoke or a smoke flavor at or below ambient temperature to food products not sufficiently darkened in the original smoking operation.

"Commercially prepared sweet baked goods" means an individually portioned and wrapped, non-potentially hazardous yeast or cake type bread, bun, croissant or roll with or without filling and/or icing.

"Comminuted" means reduced in size by methods including chopping, flaking, grinding or mincing. It includes fish or meat products that are reduced in size and restructured or reformulated, such as gefilte fish, formed roast beef, gyros, ground beef, and sausage; and a mixture of 2 or more types of meat that have been reduced in size and combined, such as sausages made from 2 or more meats.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged or stored.

"Controlled atmosphere packaging (CAP)" means an active packaging system which continuously maintains the desired atmosphere within the package throughout the shelf-life of the product. CAP uses an agent to bind or "scavenge" oxygen permeating the package, or a sachet to emit a gas.

"Cook-chill processing" means a process in which a plastic bag is filled with hot cooked food and the air is expelled while the bag is being sealed before being blast or tumble chilled.

"Corrosion-resistant materials" means those materials that maintain their original surface characteristics under prolonged influence of the food to be contacted, the normal use of cleaning compounds and bactericidal solutions, and other conditions-of-use environment.

"Critical control point" means any point or procedure in a specific food processing or packaging operation where loss of control may result in an unacceptable health risk.

"Curing" means the placing in or on edible flesh of approved ingredients, such as a solution or mixture containing chloride and nitrite salts of sodium or potassium, water, sodium erythorbate or ascorbate, sodium phosphates, sweeteners (dextrose and cane sugar) and flavorings.

"Dedicated equipment or personnel" means equipment or personnel reserved solely for the use of one food processing operation to

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prevent cross-contamination.

"Department" means the Illinois Department of Public Health.

"Easily cleanable" means that surfaces are readily accessible and made of such material and finish and so fabricated that residue may be effectively removed by normal cleaning methods.

"Employee" means individuals having supervisory or management duties, and any other person working in a food service establishment.

"Equipment" means stoves, ovens, ranges, hoods, slicers, mixers, meat blocks, tables, counters, refrigerators, sinks, dishwashing machines, steam tables, and similar items other than utensils, used in the operation of a food service establishment.

"Extensively remodeled" means whenever an existing structure is converted for use as a retail food establishment; any structural additions or alterations to existing establishments; changes, modifications and extensions of plumbing systems, excluding routine maintenance.

"Field dressed" means the removal of the visceral organs of an animal following the animal's death in the field.

"Food" means any raw, cooked, or processed edible substance, ice, beverage or ingredient used or intended for use or for sale in whole or in part for human consumption.

"Food contact surface" means those surfaces of equipment and utensils with which food normally comes in contact, and those surfaces from which food may drain, drip, or splash back to surfaces normally in contact with food.

"Food employee" means an individual working with unpackaged food, food equipment or utensils, or food-contact surfaces.

"Food processing establishment" means a commercial establishment in which food is manufactured or packaged for human consumption. The term does not include a food service establishment, retail food store, or commissary operation.

"Food service establishment" means any place where food is prepared and intended for, though not limited to, individual portion service, and includes the site at which individual portions are provided. The term includes any such place regardless of whether consumption is on or off the premises and regardless of whether there is a charge for the food. The term also includes delicatessen type operations that

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prepare foods intended for individual portion service. The term does not include lodging facilities serving only a continental breakfast, (a continental breakfast is one limited to only coffee, tea, and/or juice and commercially prepared sweet baked goods), private homes or a closed family function where food is prepared or served for individual family consumption, retail food stores or the location of food vending machines.

"Full time" means 30 hours per week or the length of time the facility is in operation, whichever is less.

"Game animal" means an animal, the products of which are food, that is not classified as cattle, sheep, swine, or goat in 9 CFR 301 (Mandatory Meat Inspection, Definitions); as poultry in 9 CFR 381 (Mandatory Poultry Products Inspection, Poultry products inspection regulations); as meat in the Illinois Meat and Poultry Act [225 ILCS 650]; or as fish. Game animal includes wild and not domestically raised animals such as reindeer, elk, deer, antelope, water buffalo, bison, rabbit, squirrel, bear, and muskrat; aquatic and nonaquatic birds such as wild ducks and geese, quail, and pheasant; nonaquatic reptiles such as rattlesnakes; and aquatic mammals. It also includes exotic animals as defined in 9 CFR 1 (Animal Welfare, Definition of Terms), such as lion, tiger, leopard, elephant, camel, antelope, anteater, kangaroo and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal and Yak.

"Ground beef" means chopped or ground beef with or without seasoning and without the addition of beef fat and shall not contain more than 30 percent fat.

"Hamburger" means chopped beef with or without the addition of beef fat and/or seasoning and shall not contain more than 30 percent fat.

"Hazard Analysis Critical Control Point (HACCP) Program" means a comprehensive food safety control plan which includes a step-by-step description of the food processing, packaging and storage procedure including identification of critical control points (CCPs); the food contact surface cleaning and sanitizing procedures; lot identification procedure; and training procedures.

"Hermetically sealed container" means a container designed and intended to be secure against the entry of microorganisms and to maintain the commercial sterility of its content after processing.

"Injected" means manipulating a meat so that infectious or toxigenic microorganisms may be introduced from its surface to its interior through tenderizing with deep penetration or injecting the meat, such as with juices, which may be referred to as injecting, pinning or

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stitch pumping.

"Kitchenware" means all multi-use utensils other than tableware.

"Law" includes State and local statutes, ordinances, and regulations.

"Lodging facilities" means any hotel, motel, motor inn, lodge, inn or other quarters which provides temporary sleeping facilities open to the public.

"Lot" means unique run of processed or packaged product with a specifically designated date and processing operation.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Modified Atmosphere Packaging (MAP)" means a one-time gas-flushing and sealing process. The gas atmosphere within the package after sealing is then allowed to passively change due to factors of container permeability and food product respiration.

"Official Methods of Analysis" means the Official Methods of Analysis of the Association of Official Analytical Chemists, 15th Edition, or Standard Methods for Examination of Dairy Products, 15th Edition, as incorporated in Section 750.5(d) and (e).

"Operational Supervision" means the on-site supervision and management of the food service facility, operations, and employees.

"Packaged" means bottled, canned, cartoned, or securely wrapped.

"Partially defatted beef fatty tissue" means a beef by-product derived from the low temperature rendering (not exceeding 120 degrees Fahrenheit) of fresh beef tissue. Such product shall have a pinkish color and a fresh odor and appearance.

"Person" includes any individual, partnership, corporation, association, or other legal entity.

"Person in charge" means the individual present in a food service establishment who is the apparent supervisor of the food service establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present is the person in charge.

"Potentially hazardous food" means any food that consists in whole or in part of milk or milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic

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ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms. The term does not include foods which have a pH level of 4.6 or below or a water activity (a_w) value of 0.85 or less.

"Preservative" means any curing agent or curing accelerator (specific chemical agent which extends the shelf life of the product) which cures, accelerates color fixing or preserves color in meat or poultry products including sodium or potassium nitrate, sodium or potassium nitrite, ascorbic acid, erythorbic acid, glucono delta lactone, sodium ascorbate, sodium erythorbate, citric acid, sodium citrate or sodium benzoate.

"Processing" means to manufacture, compound, intermix or prepare food products for sale or for customer service.

"Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous foods or commissary-wrapped food maintained at proper temperatures, or limited to the preparation and serving of frankfurters.

"Ready-to-eat food" means food that is in a form that is edible without washing, cooking, or additional preparation by the food establishment or the consumer and that is reasonably expected to be consumed in that form. Ready-to-eat food includes:

Unpackaged potentially hazardous food that is cooked to the temperature and time required for specific food under Section 750.180;

Raw, washed, cut fruit and vegetables;

Whole raw fruits and vegetables that are intended for consumption without the need for further washing, such as at a buffet, but excludes whole raw fruits and vegetables offered for retail sale; and

Other food presented for consumption for which further washing or cooking is not required and from which rinds, peels, husks, or shells are removed.

"Reconstituted" means dehydrated food products recombined with water or other liquids.

"Regulatory authority" means the State and/or local enforcement authority or authorities having jurisdiction over the food service establishment.

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"Safe materials" means articles manufactured from or composed of materials that may not reasonably be expected to result, directly or indirectly, in their becoming a component or otherwise affecting the characteristics of any food. If materials used are food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act, (21 USC 8-8-6- 301 et seq.), they are "safe" only if they are used in conformity with regulations established pursuant to Section 409 or Section 706 of the Act. Other materials are "safe" only if, as used, they are not food additives or color additives as defined in section 201(s) or (t) of the Federal Food, Drug, and Cosmetic Act and are used in conformity with all applicable regulations of the Food and Drug Administration.

"Sanitization" means effective bactericidal treatment by a process that provides enough accumulative heat or concentration of chemicals for enough time to reduce the bacterial count, including pathogens, to a safe level (when those disease organisms which may be present are destroyed so as to prevent transfer) on cleaned food-contact surfaces of utensils and equipment.

"Sealed" means free of cracks or other openings that permit the entry or passage of moisture.

"Showering" means a potable water spray with or without liquid smoke in the smoke house which, depending on when the water spray is applied, maintains humidity, flavors, decreases cooking time, promotes rapid cooling or reduces casing shrinkage.

"Single service articles" means cups, containers, lids, closures, plates, knives, forks, spoons, stirrers, paddles, straws, napkins, wrapping materials, toothpicks, and similar articles intended for one-time, one-person use and then discarded.

"Smoke generator" means a piece of equipment attached or integral to a smoke house which provides smoke to the smoke house, usually by slowly augering sawdust onto a heating element with the resulting smoke being drawn into the smokehouse.

"Smoke house" means a piece of equipment or room sized enclosure used to conduct the smoking process with a smoke source, adequate ventilation, heat and humidity source if necessary, approved plumbing and waste lines if necessary, support structures for the food products to be smoked and a method to determine internal product temperature.

"Smoking" means the process of subjecting meat cuts and other foods to an environment of heat and smoke generated from hardwood, hardwood sawdust, corn cobs or natural liquid smoke that has been transformed into a gaseous state by application of direct heat.

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"Special event" means a unique event at a particular location such as a celebration, festival or fundraiser that occurs no more than twice a year.

"Tableware" means multi-use eating and drinking utensils.

"Temporary food service establishment" means food service establishment that operates at a fixed location for a period of time of not more than 14 consecutive days in conjunction with a single event or celebration.

"Utensil" means any implement used in the storage, preparation, transportation, or service of food.

"Voluntary inspection" means an inspection of meat or poultry products that are not subject to the federal or State meat or poultry inspection laws, and for which the federal or State mark of inspection is requested.

(Source: Amended at 22 Ill. Reg. 19009, effective 001 01 1998)

SUBPART C: PERSONNEL

Section 750.540 Management Sanitation Training and Certification

- a) All food service establishments as defined in Section 750.10 except Category III facilities shall be under the operational supervision of a certified food service sanitation manager. Category III facilities do not require the operational supervision of a certified food service sanitation manager. A minimum-of-oney-full-time-certified-food-service sanitation manager shall be required-at-each-establishment;-provided however:-

1) Category I facilities. Effective October 1, 1999, Category I facilities as defined in Section 750.10 shall have a certified food service sanitation manager on the premises at all times that potentially hazardous food is being handled, except as specified in subsections (a)(1)(A) and (B) of this Section. A certified food service sanitation manager is not required on the premises during hours of operation when all food products sold have been prepared and packaged commercially or prepared under the supervision of a certified food service sanitation manager.

A) All community-based programs licensed by the Department of Human Services and operating under rules that do not reference this Part are exempt from subsection (a)(1) of this Section (e.g., Community Integrated Living Arrangements, including the formerly licensed Community Residential Alternatives, Supervised Living Arrangements,

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Home Individual Placements and Special Home Placements; Child and Specialized Group Homes or Child Care Institutions for no more than 7 to 10 individuals).

- B) Health care facilities licensed under the Hospital Licensing Act [210 ILCS 85], Nursing Home Care Act [210 ILCS 45], or Alternative Health Care Delivery Act [210 ILCS 3] that are subject to this Part may comply in one of the following alternative ways:

i) Health care facilities may develop a list of foods approved by a certified food service sanitation manager that, under specific circumstances, may be prepared or served by trained staff under the supervision of a health care professional without the presence of a certified food service sanitation manager. These specific circumstances may include late night snacks or light meals prepared at the request of a physician or individual patient/resident. The list of foods shall include instructions for preparing, serving and storing the foods.

ii) Health care facilities as specified in subsection (a)(1)(B) are exempt from the requirement of subsection (a)(1) of this Section provided the food service in each facility is under the operational supervision of a manager or supervisor who has been certified in food service sanitation and the food service staff annually receive in-service food sanitation training as follows: for nursing homes, in accordance with the rules promulgated pursuant to the Nursing Home Care Act; and for all other health care facilities, 5 hours annually.

- 2) Category II facilities as defined in Section 750.10 shall employ a minimum of one full-time certified food service sanitation manager at each establishment.

b) Special Circumstances.

1) New food service establishments except Category III facilities shall have a certified food service sanitation manager from the initial day of operation to ~~comply~~ or shall provide documentation of enrollment in an approved course to be completed within three ~~to~~ months ~~to~~ ~~comply~~.

2) Food service establishments which are not in compliance with this Section because of employee turnover or other loss of certified personnel, shall have three ~~to~~ months from date of loss of certified personnel to comply.

3) Incidental absences of the certified food service sanitation manager due to temporary illness, short errands off the premises, etc., shall not constitute a violation of this Section, provided there is documentation that a certified food service sanitation manager was scheduled to work at that time.

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c) ~~b~~ Certification shall be achieved by:

- 1) Successfully completing a department approved course and monitored examination offered by a testing organization in compliance with the criteria in Subpart J of this Part.
 - 2) Payment to the Department of a \$35 certificate fee.
- d) ~~e~~ Original certificates of certified managers shall be maintained at the place of business and shall be made available for inspection.

(Source: Amended at 22 Ill. Reg. 19003, effective 01 01 1998)

Section 750.551 Certificate Issuance

a) Original certificates issued under this Part shall:

- 1) be issued only after this Department has received both: payment of a \$35-fee, and

A) Evidence of successful completion of an approved Food Service Sanitation Manager Certification examination with a final score of 75% or higher; and

B) Payment of a \$35 fee.

2) Be issued as of the date have-the-issuance-date-as-the-date when the individual successfully completed the examination, and

3) expire five ~~to~~ years from the date of the original issuance.

b) Replacement or duplicate certificates issued under this Part shall:

- 1) be issued after this Department has received payment of a \$10 fee, and

2) have the same expiration date as the original certificate.

c) Renewal certificates shall be issued by the Department at the written request of the certificate holder if the request, documentation of meeting recertification training and/or testing requirements and payment of a \$35 fee is received by the Department prior to or on the certificate's expiration date. Renewed certificates shall expire five years from the date of the original certificate's expiration date.

1) Effective October 1, 1999, certified food service sanitation managers shall have completed one of the following training and/or testing activities within the previous five years before expiration of their certificates:

A) Complete a Department approved 15 hour certification training course;

B) Complete a Department approved examination, developed in compliance with Section 750.1850, with a passing score of 75% or higher;

C) Complete a minimum five-hour refresher course provided by an Illinois approved instructor, as defined in Section 750.1810, using a curriculum provided by the Department; or

D) Complete other training, a minimum of five hours in length, that has received pre-approval by the Department.

d) If a certificate renewal application is received by the Department

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with a postmark no later than 30 days after the certificate's expiration date, it shall be renewed, provided the request for renewal is accompanied by a written request for renewal, documentation of having met recertification criteria as listed in subsection (c) of this Section and payment of the \$35 fee. Any fees submitted after the expiration date of the certificate which are not accompanied by all necessary items listed in this subsection (d) are non-refundable.

a) An individual with an expired certificate may attempt an approved and monitored Food Service Sanitation Manager Certification examination once within the six months after the expiration date of the original certificate. If the individual successfully completes the examination with a final score of 75 or higher and submits the applicable fee of \$35, a renewed certificate shall be issued in accordance with Section 750.1810. If the individual does not successfully complete the examination with a final score of 75 or higher, they must complete an approved Food Service Sanitation Manager Certification course before attempting the examination again.

e) An individual with a certificate which has been expired for more than six (6) months must complete an approved Food Service Sanitation Manager Certification course before attempting the examination.

(Source: Amended 22 Ill. Reg. 12009, effective 06/01/1993)

Section 750.1810 Instructor Approval

a) The Food Service Sanitation Manager's Certification course must be taught by a Department approved instructor. Employees of the Illinois Department of Public Health are not eligible to teach the Food Service Sanitation Manager Certification course while employed by the Department. The minimum qualifications for a Department approved instructor are:

a) Possession of a high school diploma or its equivalent. The minimum qualifications for certification or recertification, renewable every 5 years, as a Department approved instructor are all of the following:

1) Possession of a high school diploma or its equivalent.

2) Possession of a valid State of Illinois Food Service Sanitation Manager Certificate.

3) Minimum experience or education prior to initial application or recertification as an approved instructor consisting of one of the following:

A) Two years experience as a food service sanitation manager with written verification from the applicant's employer; or

B) Two years experience as a retail food inspector with written verification from the applicant's employer; or

C) Associate's Degree or higher degree with at least 15 hours of science-related course work verified by the educational

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institution from which the degree was earned; or

D) Current certification as a Department approved instructor of a Food Service Sanitation Manager Certification course as of October 1, 1998.

4) e) Completion of the Department Food Service Sanitation Manager Certification Instructor's examination with a final score of 90% or higher. An individual can attempt the instructor's examination twice. If they do not receive a final score of 90% or higher is not received after the second attempt, the applicant they must take an approved Food Service Sanitation Manager Certification course again prior to retaking the instructor's examination.

5) d) Effective October 1, 1999, completion Attendance of at least 20 five hours of continuing education every five two-and-one-half years for recertification. The continuing education seminar shall cover food safety and sanitation topics. The following are examples of proof of such attendance:

A) A college transcript with course description;

B) A certificate of completion of a course with a course description; or

C) Documentation of continuing education contact hours for training from a professional.

6) When the instructor's certificate has expired for more than 90 days, reapplication shall require compliance with subsections (b)(1) through (4) of this Section.

e) Employees of the Illinois Department of Public Health are not eligible to teach the Food Service Sanitation Manager Certification course while employed by the Department.

(Source: Amended 22 Ill. Reg. 12009, effective 06/01/1993)

Section 750.1831 Alternative Methods of Training

Alternate methods of training such as interactive computer programming, interactive video or distance learning may be approved by the Department for purposes of certification or recertification, if the provider/sponsor of the training submits the following information to the Department for approval before use:

a) Documentation that the training course content is:

1) equivalent to the course content described in Section 750.1820(b) entitled "Subject Area - Specific Elements of Knowledge"; or

2) based on a psychometrically valid job analysis developed by personnel that include qualified test development specialists and a representative group of individuals with significant experience in food safety. A psychometrically valid job analysis is a detailed job description in which a profession, in this instance food service sanitation manager, is broken down into necessary

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knowledge and skills. The job analysis study is then used as the basis for examination development in the profession being credentialled.

b) Documentation that the candidate for certification or recertification has successfully participated in a training program which provides the knowledge and skills in food protection management necessary to implement the elements of the course content in Section 750.1820(b). All candidates must certify under oath that they personally completed the alternative training program.

c) The Department reserves the right to evaluate the effectiveness of the alternative method of training. Approval may be revoked if the Department determines that the alternative method of training is not effective in preparing students to pass an approved Food Service Sanitation Manager Certification examination.

(Source: Added at 22 Ill. Reg. 19009, effective Oct 01 1998)

Section 750.1836 Home Study

Home study other than make-up work as described in Section 750.1835 shall not be approved by the Department unless it meets the criteria in Section 750.1831 ~~shall not be approved in lieu of the minimum 15-hour in-class course.~~

(Source: Amended at 22 Ill. Reg. 19009, effective Oct 01 1998)

Section 750.1865 Monitors

a) There shall be one approved monitor for every 35 students taking the examination.

b) Approved monitors for the State examination shall be restricted to individuals in one of the following groups and must complete and submit a monitor's agreement form, if the examination location is not a designated regional location. This form must be submitted 30 days prior to the examination date.

- 1) Illinois Department of Public Health personnel;
- 2) Local Health Department personnel;
- 3) State institution personnel; i.e., Department of Corrections; and
- 4) Community colleges or university sponsored personnel; and
- 5) Department approved Food Service Sanitation Manager Certification instructors.

c) Testing organizations approved in Section 750.1855 of this Part must submit for Department review and approval criteria for approving monitors for their examinations.

d) The Department reserves the right to determine who may function in the role as a monitor for the State examination and to audit the performance of any monitor for any approved examination. The

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Department shall suspend or revoke permission to serve as a monitor in the event of a breach of test security, provision of assistance to students taking the exam ~~examinants~~, repeated failure to return exams within a timely manner, cheating, changing of students' answers, duplicating test materials, conflict of interest, and otherwise failing to comply with this Part.

e) The monitor shall confirm the identity of the individual who wishes to take the examination by photograph identification, driver's license or student identification card. In the event that the individual does not have a photographic identification card, a legal document which bears the individual's signature shall be acceptable.

f) The monitor shall confirm that the individual has taken an approved course prior to retaking the examination in one or more of the following methods:

- 1) Instructor at the examination site will confirm that he/she instructed the individual.
- 2) Individual submits the Department fail letter sent to him and the monitor confirms the name and address on the letter against the person's identification.
- 3) Individual submits the "Permission To Retake Certification Examination" form (see Appendix D) which has been signed by the instructor. The monitor must confirm the name listed on the form with the person's identification.

(Source: Amended at 22 Ill. Reg. 19009, effective Oct 01 1998)

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- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Adopted Action:
 100.5200 Amendment
 100.5201 New Section
 100.5205 Renumbered, Amendment
 100.5210 Amendment
 100.5210 Amendment
 100.5220 Amendment
 100.5230 Amendment
 100.5240 Amendment
 100.5250 Amendment
 100.5260 Amendment
 100.5265 New Section
 100.5270 Amendment
 100.5280 Amendment
- 4) Statutory Authority: 35 ILCS 5/502(e), 35 ILCS 5/1401(b)(2))
- 5) Effective Date of Amendment(s): 10/1/98
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 17, 1998, 22 Ill. Reg. 6882.
- 10) Has JCER issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version:
- a) In the Table of Contents, Section 100.2330, Line 58, added "for Losses Occurring On or After December 31, 1986" at the end.
- b) In the Table of Contents, Sections 100.7080 and 100.7340, Lines 164 and 183, corrected "Under withholding" to be one word.
- c) The following Section was omitted in the Table of Contents and was inserted after Section 100.9010, Line 188: "100.9020 Child Support Collection (IITA Section 901)"
- d) In the Source Note, Line 240, after "December 28, 1982", added

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- "amended at 8 Ill. Reg. 6184, effective April 24, 1984;".
- e) In Section 100.5205(b), Line 369, the words "Illinois corporate" should be stricken.
- f) In Section 100.5210(a)(2), Line 457, the word "oflaw" should read "of law".
- g) In Section 100.5210(a)(4), Line 493, the word "Departmentin" should read "Department in".
- h) In Section 100.5210(b), Line 497, the new period should be deleted.
- i) In Section 100.5220(a), Line 519, "agentif" should read "agent if".
- j) In Section 100.5220(e), Line 645, after "request" it should read "to of".
- k) In Section 100.5220(e), Line 647, after "respect", it should read "of the".
- l) In Section 100.5220(f), Line 661, "purposed" should be corrected to "purposes".
- m) In Section 100.5220(f)(1), Line 690, "subsection (f)" should be corrected to "provision".
- n) In Section 100.5230(a), Line 717, "as" should not be deleted.
- o) In Section 100.5230(c), Line 739, the period at the end should be stricken through.
- p) In Section 100.5230(c)(1), Line 741 "ifthe" should read "if the".
- q) In Section 100.5230(c)(2), Line 747 and Section 100.5230(c)(3), Line 763, the citation should read "804(d)(1) and (2) ~~fe~~".
- r) In Section 100.5230(c)(3), Line 769, "agentin" should read "agent in".
- s) In Section 100.5230(d), Line 777, the period should be stricken.
- t) In Section 100.5230(d)(2), Line 807, the period should be stricken.
- u) In Section 100.5230(d)(2)(ii), Line 827, delete the word "the".
- v) In Section 100.5230(e)(3), Line 877, changed "example (1)" to "Example 1".

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- w) In Section 100.5230(g), Line 946, "subsection (g)" should be changed to "subparagraph".
- x) In Section 100.5250(b), Line 992, "combine" should be corrected to "combined".
- y) In Section 100.5250(c)(1), Lines 1001 and 1002, changed parentheses to brackets.
- z) In Section 100.5265(c)(2), Line 1236, deleted the comma after "year" and inserted "in which".
- aa) In Section 100.5270(b)(2), Lines 1559 and 1565, the word "non-unitary" should be corrected to "nonunitary".
- bb) In Section 100.5270(d), Line 1587, strike the period at the end.
- cc) In Section 100.5270(d)(2), Line 1601, strike the word "electing".
- dd) In Section 100.5270(e), Line 1816, "Subsection" should not be capped.
- ee) In Section 100.5270(d)(2), after Line 1604, inserted the following new language which was inadvertently omitted from the rulemaking published in the Illinois Register:

- 3) Effective January 1, 1994, the investment credit provided in IITA Section 201(e) is allowed for a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing. In the case of a combined group, the determination of eligibility shall be made for the combined group as a whole, rather than for any individual member. The determination of whether a combined group is primarily engaged in a qualifying activity shall be made by applying the 50% of gross receipts test in Section 100.2101(f) of this chapter by taking into account the gross receipts of only the eligible members of the combined group. Gross receipts of corporations which would otherwise be members of the combined group, but which have no taxable presence in Illinois or which cannot be combined for any other reason, are not considered in this determination. In determining whether a combined group is primarily engaged in retailing, gross receipts from transactions between eligible members of the combined group shall be eliminated from both the numerator and the denominator of the computation. In determining whether a combined group is primarily engaged in manufacturing or in the mining of coal or fluorite, gross receipts from manufacturing or the mining of coal or fluorite shall include gross receipts from sales of products manufactured or coal or fluorite mined by one eligible member of the combined group to another eligible member of the combined

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- group, provided, however, that the amount of such gross receipts shall be subject to adjustment by the Department under the provisions of Section 404 of the IITA.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect? No
- 14) Are there any amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | IL Register Citation |
|-----------------|-----------------|----------------------------|
| 100.9710 | New Section | 1/2/98, 22 Ill. Reg. 174 |
| 100.3370 | Amendment | 4/24/98, 22 Ill. Reg. 7118 |
| 100.3380 | Amendment | 4/24/98, 22 Ill. Reg. 7118 |
- 15) Summary and Purpose of Amendment(s): This rulemaking updates the combined return regulations to take into account the amendment to 35 ILCS 5/502(e) which makes filing of a single combined return by an affiliated group of corporations engaged in a unitary business mandatory, rather than elective, and to address combined return issues which have arisen since the regulations were promulgated.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Paul Caselton
Associate Chief Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
Phone: (217) 782-6996

The full text of the Adopted Amendment begins on the next page:

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 100
INCOME TAX

SUBPART A: TAX IMPOSED

Section
100.2000
100.2050

Introduction
Net Income (IITA Section 202)

SUBPART B: CREDITS

Section
100.2100

Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))

100.2101
100.2110
100.2120

Replacement Tax Investment Credit (IITA 201(e))
Investment Credit; Enterprise Zone (IITA 201(f))
Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))

100.2130
100.2140
100.2150

Investment Credit; High Impact Business (IITA 201(h))
Credit Against Income Tax for Replacement Tax (IITA 201(i))
Training Expense Credit (IITA 201(j))

100.2160
100.2170

Research and Development Credit (IITA 201(k))
Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)

100.2180
100.2195

Credit for Residential Real Property Taxes (IITA 208)
Dependent Care Assistance Program Tax Credit (IITA 210)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS

OCCURRING PRIOR TO DECEMBER 31, 1986

Section
100.2200

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope

100.2210

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions

100.2220

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members

100.2230

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards

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Net Operating Losses Occurring Prior to December 31, 1986, of

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Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income

100.2250

Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER DECEMBER 31, 1986

Section
100.2300

Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986

100.2310
100.2320
100.2330

Computation of the Illinois Net Loss Deduction
Determination of the Amount of Illinois Net Loss Carryovers
Illinois Net Loss Carrybacks and Net Loss Carryovers for Losses Occurring on or After December 31, 1986

100.2340

Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns

100.2350

Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section
100.2470

Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

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Enterprise Zone Dividend Subtraction (IITA Sections 203(a)(2)(J), 203(b)(2)(K), 203(c)(2)(M) and 203(d)(2)(K))

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Section
100.2580

Medical Care Savings Accounts (IITA Sections 203(a)(2)(D-5), 203(a)(2)(S) and 203(a)(2)(T))

100.2590

Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

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Capital Gain Income of Estates and Trusts Paid to or Permanently Set

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100.3000 Terms Used in Article 3 (IITA Section 301)
100.3010 Business and Nonbusiness Income (IITA Section 301)
100.3020 Resident (IITA Section 301)

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100.3100 Compensation (IITA Section 302)
100.3110 State (IITA Section 302)
100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

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100.3200 Taxability in Other State (IITA Section 303)
100.3210 Commercial Domicile (IITA Section 303)
100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

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100.3300 Allocation and Apportionment of Base Income (IITA Section 304)
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100.5000 Time for Filing Returns: Individuals (IITA Section 505)
100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)

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100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)
100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

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100.5140 Composite Returns: Estimated Payments
100.5150 Composite Returns: Tax, Penalties and Interest
100.5160 Composite Returns: Credit for Resident Individuals
100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

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100.5200 Filing of Combined Returns Election-to-File-a-Combined-Return
100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns

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100.5205 Procedures Procedure for Elective and Mandatory Filing of Combined Returns Making-the-Election
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100.7030 Payments to Residents (IITA Section 701)
100.7040 Employer Registration (IITA Section 701)
100.7050 Computation of Amount Withheld (IITA Section 701)
100.7060 Additional Withholding (IITA Section 701)
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100.7080 Correction of Underwithholding ~~Under-withholding~~ or Overwithholding (IITA Section 701)
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 100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)
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 100.9510 Taxpayer Representation and Practice Requirements
 100.9520 Conduct of Investigations and Hearings

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 100.9600 Administrative Review Law (IITA Section 1201)

SUBPART BB: DEFINITIONS

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 100.9700 Unitary Business Group Defined (IITA Section 1501)

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APPENDIX A Business Income Of Persons Other Than Residents

TABLE A Example of Unitary Business Apportionment

TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49 p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537,

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effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; amended at 8 Ill. Reg. 6184, effective April 24, 1984; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 9 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective October 29, 1996; amended at 21 Ill. Reg. 958, effective January 6, 1997; emergency amendment at 21 Ill. Reg. 2969, effective February 24, 1997, for a maximum of 150 days; emergency expired July 24, 1997; amended at 22 Ill. Reg. 2234, effective January 9, 1998; amended at 22 Ill. Reg. 19033, effective OCT 01 1998.

SUBPART P: COMBINED RETURNS

Section 100.5200 Filing of Combined Returns Election-to-File-a-Combined-Return

For a number of years, Illinois corporate taxpayers that were members of a unitary business group were able to elect to file combined returns. Section 100.5205 provides guidance for the tax years for which this election was available. Taxpayers are now required to file combined returns in certain situations. For taxable years ending on or after December 31, 1993, taxpayers

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that are corporations (other than Subchapter S corporations) and that are members of the same unitary business group shall be treated as one taxpayer for purposes of any original return, amended return which includes the same taxpayers of the unitary group which joined in filing the original return, extension, claim for refund, assessment, collection and payment and determination of the group's tax liability under the Act (IITA Section 502(e)). The rules in this Subpart P are promulgated under the express statutory direction that the Department shall make, promulgate and enforce such reasonable rules and regulations, and prescribe such forms as it may deem appropriate, to require all taxpayers that are corporations (other than Subchapter S corporations) and that are members of the same unitary business groups to be treated as one taxpayer. (IITA Section 1401(b)(2))

(Source: Old Section 100.5200 renumbered to Section 100.5205 and new Section 100.5200 added at 22 Ill. Reg. 19033, effective OCT 01 1998)

Section 100.5201 Definitions and Miscellaneous Provisions Relating to Combined Returns

- a) In general. These definitions and provisions apply to this Subpart P.
- b) Combined group. The term "combined group" means those eligible members of a unitary business group who have made an election to be treated as one taxpayer, or who are required to be treated as one taxpayer, under IITA Section 502(e).
- c) Combined return. The term "combined return" means a single tax return filed on behalf of a combined group. A combined return shall be filed using a single Form IL-1120 with Schedule UB (Unitary Business Schedule).
- d) Combined return year. The term "combined return year" means a taxable year for which a combined return is filed or is required to be filed. Common taxable year. The term "common taxable year" means the taxable year used by a combined group in reporting its combined net income, as determined under the provisions of Section 100.5265.
- e) Controlling corporation. The "controlling corporation" of a combined group is the corporation, if any, that directly or indirectly owns a controlling interest in all of the other eligible members of a combined group. A controlling interest means more than 50% of the outstanding voting stock of a member. Indirect ownership of an interest in a corporation includes constructive ownership (under Section 318 of the Internal Revenue Code) of an interest in the corporation which is owned by a related party, whether or not the related party is itself a member of the combined group.
- g) Designated agent. The term "designated agent" means the member appointed under Section 100.5220.
- h) Election. The term "election" refers to the election provided in Section IITA 502(e), as in effect for taxable years ending prior to December 31, 1993, to be treated as one taxpayer.

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i) Eligible member. The term "eligible member" means a corporation which is a member of a unitary business group and which has taxable presence in Illinois. Part-year members of a unitary business group are eligible members. Noncorporate taxpayers and Subchapter S corporations are not eligible members, either in combination with corporations which are eligible members or in combination with other noncorporate taxpayers or Subchapter S corporations. Members of a unitary business group are eligible members even though the unitary business group includes noncorporate members or Subchapter S corporations which are not eligible to join in the filing of a combined return.

j) Separate company return. The term "separate company return" means an Illinois income tax return filed by a corporation which is not a member of a unitary business group.

k) Separate company items. The term "separate company items" means the income, deductions, credits, tax liability and other facts of a corporation relevant to the computation of its Illinois Income Tax liabilities, determined as if such corporation was neither a member of an affiliated group filing consolidated federal income tax returns nor a member of a combined group.

l) Separate unitary return. The term "separate unitary return" means an Illinois income tax return of a member of a unitary business group which has not elected to file a combined return for a taxable year ending prior to December 31, 1993 or by a member of a unitary business group which is not eligible to join in the filing of a combined return.

m) Unitary business group. The term "unitary business group" shall have the same meaning as provided in IITA Section 1501(a)(27) and Section 100.9700 of this Part.

(Source: Added at 22 Ill. Reg. 19033, effective 03/01/1993)

Section 100.5205 Election to File a Combined Return

a) Effective date. The provision allowing corporations to elect to be treated as a single taxpayer was in effect for taxable years ending on or after December 31, 1985, and before December 31, 1993.

ba) Scope of the election. Pursuant to IITA Section 502(e) 502(f), Illinois--corporate taxpayers that are corporations (other than Subchapter S corporations) having the same taxable year and that are members of the same unitary business group may elect to be treated as one taxpayer for purposes of any original return, amended return which includes the same taxpayers of the unitary group which joined in the election to file the original return, extension, claim for refund, assessment, collection and payment and determination of the group's tax liability under the Act. Section 502 (e) of the Act does not permit the election to be made for some, but not all, of the purposes enumerated above. For taxable years ending on or after December 31,

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1987, corporate members (other than Subchapter S corporations) of the same unitary business group making the subsection (e) election are not required to have the same taxable year. IITA Section 502(e) taxpayers (other than S corporations) that are members of a unitary business group may elect to be treated as one taxpayer for purposes of original returns, amended returns, and extensions, claims for refund, assessment, collection, payment, and determination of their tax liability. The election, once made, must apply for all of the above purposes, not just some. Returns filed pursuant to this election will be called combined returns. Corporations electing to file a combined return shall use a single Form 1120 with Schedule BB (Unitary Business Schedule).

cb) The This election under IITA Section 502(e) is not an election to be a member of a unitary business group. Membership in a unitary business group is mandatory if the criteria for inclusion are met, and is determined under IITA Section 1501(a)(27) (28) and regulation Section 100.9700 of this Part. If a unitary business group does not elect to file a combined return, each Illinois taxpayer member of that group will be treated as a separate taxpayer for all Illinois income tax purposes except for the apportionment of unitary business income. Such taxpayers members shall each file their own separate unitary returns, but on a unitary apportionment basis.

dc) Except as expressly provided, Effective Date: The election to be treated as a single taxpayer is available for taxable years ending on or after December 31, 1985. Regulation Sections 100.5201 100.5208 through 100.5280 of this Subpart are applicable to all elections made pursuant to IITA Section 502(e) 502(f).

(Source: Renumbered from Section 100.5200 and amended at 22 Ill. Reg. 19033 effective 03/01/1993)

Section 100.5210 Procedures Precedure for Elective and Mandatory Filing of Combined Returns Making the Election

a) Conditions of the election and election procedures. This subsection (a) applies to taxable years ending on or after December 31, 1985 and prior to December 31, 1993 Eligibility.

1) Conditions

A) Corporate taxpayers that are members of the same unitary business group and have the same taxable year are eligible for the election. Part-year members are eligible for the election. Noncorporate taxpayers and S corporations are not eligible. The election is available to corporate members even though the unitary group includes noncorporate members or S corporations. The election is also available even though other corporate members have a different taxable year. The election, if made, must include all eligible Illinois taxpayer members of the unitary business

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group, not just some. ~~Noncorporate members--and--corporate members--with--different--taxable--years--shall--file--their--own separate--returns--on--a--unitary--basis.~~

B) For taxable years ending on or after December 31, 1987, taxpayers are not required to have the same taxable year.

C) For taxable years ending on or after December 31, 1985 and before December 31, 1987, taxpayers were required to have the same taxable year to be eligible for the election. Corporate members with taxable years which were different from the common taxable year were required to file their own separate unitary returns or, in the case of ~~if~~ two or more other corporate members which have the same taxable year that is different from other corporate members making the election, they were allowed to may elect to file their own combined return.

2b) Consent. The election to file a combined return shall be upon the condition that all eligible members ~~of the--unitary--business group--which--at--any--time--during--the--taxable--year--are--eligible--to make--the--election~~ shall consent to ~~the--combined--return regulations~~ this Subpart P 7-Section-100-5200-through-100-5200-of this--Part, and shall consent to be represented by the designated agent appointed named on the Schedule UB in all matters described in Section 100.5220 100-6020 of this Part. The filing making of a combined return that includes the income and factors of any eligible member shall be the consent as to that member. If an eligible member fails to have included its income and factors included in the combined return, then the tax liability of that member shall be determined on the basis of a separate unitary return unless the failure of such member was due to a mistake of law or fact, or to inadvertence (as determined by the designated agent) in which case the failure must be corrected prior to the issuance of any Notice of Deficiency. Where such failure is corrected, such member shall be treated as if it had properly consented and been included in the election from the beginning.

3c) Making the election. The election is to be made by properly completing and filing a combined return (using Form IL-1120 and Schedule UB) by its due date (including extensions). In the case of a first combined return year, a combined request for extension of time to file the first combined return can be made.

4d) Revocation. An election to be treated as a single taxpayer for the purposes set forth in IRTA Section 502(e) remains in effect until it is revoked. If a taxpayer ceases to be a member, or was never properly not a member, of a unitary business group for which an election is in effect, the election will automatically be revoked as to that taxpayer. In the case of a taxpayer that was improperly included in a combined return and whose election has been revoked, the Department shall consider the combined

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return to be the return filed by the taxpayer only for the limited purposes of determining the limitations period within which certain actions must occur (e.g., the limitations period for issuing a notice of deficiency) and shall use the filing date of the combined return for purposes of determining any late filing penalty. Once an election is in effect for a taxable year, it cannot be revoked for that year unless the combined group is not a unitary business group, in which case the election will automatically be revoked. The Department shall revoke the election for abusive failure to comply with these regulations, such as blatant omission of members or a non-responsive designated agent, if the failure is not rectified after notification to the designated agent. The designated agent may revoke the election on behalf of all members for any taxable year by notifying the Department in writing of its intent prior to the due date for the filing of the return (excluding extensions) at the address stated in the instructions of Schedule UB.

b) Mandatory filing of combined returns

1) For taxable years ending on or after December 31, 1993, each group of eligible members is required to file combined returns and to be treated as one taxpayer for purposes of any original return, amended return which includes the same taxpayers of the unitary group which joined in filing the original return, extension, claim for refund, assessment, collection and payment and determination of the group's tax liability under the IRTA.

2) Each combined group is required to properly complete and file a combined return (using Form IL-1120 and Schedule UB) by the due date of the return (including extensions). For the first year for which a combined return must be filed, a single combined request for extension of time to file the return can be made by one member acting as designated agent on behalf of the entire combined group, even though the designated agent will not actually be appointed until the combined return is filed.

(Source: Amended at 22 Ill. Reg. 19033, effective OCT 01 1993)

Section 100.5220 Designated Agent for the Members

a) Qualification. The electing members of a combined group must designate the controlling corporation common-parent as the agent if the controlling corporation it is a member of the combined unitary business group and-is-also-making-the-election. Otherwise, the electing members of the combined group must choose which Illinois taxpayer member will be the designated agent. Designation of the agent is made on Schedule UB. Instances in which a controlling corporation will not be a member of the combined group include:

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- 1) The combined group is comprised of corporations which are wholly owned by an individual. In this instance, there is no controlling corporation.
- 2) A manufacturing corporation required to apportion its business income under IITA Section 304(a) owns a unitary business group of financial organizations required to apportion their business income under IITA Section 304(c). IITA Section 1502(a)(27) provides that corporations which use different apportionment formulas under IITA Section 304 may not be included in the same unitary business group. Accordingly, the controlling corporation in this example may not be in the same combined group as its financial organization subsidiaries.
- 3) The controlling corporation does not have nexus with Illinois, and thus is not an Illinois taxpayer. Only Illinois taxpayers may be members of a combined group.
- b) Scope of Agency. The designated agent, for all purposes other than the making of the consent required by Section 100.5210(a)(2) of this Part ~~6b~~, shall be the sole agent for each member of ~~in~~ the combined group, duly authorized to act in its own name in all matters relating to the tax liability for the combined return year. Except as provided in the preceding sentence, no member shall have authority to act for or to represent itself in any such matter. For example, all correspondence between the Department and the combined group will be carried on directly with the designated agent; the designated agent shall file for all extensions of time; notices of deficiencies will be mailed only to the designated agent, and the mailing to the designated agent shall be considered as a mailing to each member in the group; notice and demand for payment of taxes will be given only to the designated agent and such notice and demand will be considered as a notice and demand to each member. All taxes, including estimated taxes, shall be paid in the name of the designated agent. The designated agent shall participate in investigations and hearings on behalf of each member; it shall make available the information necessary to conduct those proceedings; and it may execute a power of attorney on behalf of itself and the other members of the combined group ~~that made-the-election~~. The designated agent will file combined returns and claims for refund or credit, and any refund will be made directly to and in the name of the designated agent and will discharge any liability of the State in respect thereof to any ~~electing~~ member of the combined group; and the designated agent in its name will give waivers and execute closing agreements and all other documents, and any waiver so given, or agreement or any other document so executed, shall be considered as having also been given or executed by each ~~electing~~ member of the combined group. Notwithstanding the preceding provisions, if the Department deals in good faith with a member representing itself to be designated agent for a combined group, any action of such member or of the Department in the course of such dealing shall have the same effect as if such member were the

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- designated agent.
- c) Notices from the Department. Notwithstanding the provisions of subsection (b) above, any Notice of Deficiency ~~notice-of-deficiency~~, in respect to of the tax for a combined return year, will name ~~each member-of-the-unitary-business-group-tend~~ identify each corporation which was a member of the combined group ~~electing-members~~ during any part of the such period covered by such notice. A failure to properly list all members of the combined group will not affect the validity of the Notice of Deficiency ~~notice-of-deficiency~~ as to any member. Any notice and demand for payment will be sent to the designated agent and the Department will, if requested by the designated agent, name ~~each member-of-the-unitary-business-group-tend~~ identify each corporation which was a member of the combined group ~~electing-members~~ during any part of the period for which the notice and demand is issued. Any levy, any notice of a lien, or any other proceeding to collect the amount of any assessment, after the assessment has been made, will name the corporation from which such collection is to be made.
- d) Continuity of Agency. The provisions of subsections (b) and (c) above shall apply to those tax years for which a combined return is required to be made, ~~covered-by-the-election~~ whether or not a combined return is made for any subsequent year, and whether or not one or more persons ~~members~~ have become or have ceased to be members of the combined group at any time. However,
- 1) Once a member of a combined group is appointed as the designated agent for that combined group, it shall remain the designated agent for all future years unless:
- A) the designated agent ceases to be an eligible member of the combined group, in which case a new designated agent must be appointed for purposes of common taxable years ending after the date the designated agent ceases to be an eligible member;
- B) the controlling corporation of the unitary business group either becomes an eligible member or is replaced as controlling corporation by an eligible member, at which time the controlling corporation shall become the designated agent for purposes of common taxable years ending thereafter.
- 2) The designated agent which files a return for a common taxable year must continue to act as designated agent for the combined group for that common taxable year unless:
- A) the designated agent is being dissolved or a new designated agent has been appointed for the combined group under subsection (d)(1) above, and, in either case, the designated agent notifies the Department in writing that another member of the combined group (or a successor corporation of any member of the combined group) will thereafter act as designated agent for that common taxable year. The member appointed as the substitute designated agent for this

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purpose need not be the new designated agent appointed under subsection (d)(1) above. The substitute designated agent will succeed to the rights and responsibilities of the former designated agent under subsections (b) and (c) above, and may in turn appoint another substitute designated agent under this subsection (d)(2)(A); or

B) if the designated agent is unable or unwilling to satisfy the tax liability of the combined group or is unresponsive, the Department may, upon notifying the designated agent, deal directly with any member of the combined group in respect to its liability, in which event such member shall have full authority to act for itself.

e) Notification of deficiency to corporation which has ceased to be a member of the combined group. If a corporation that made the election to file or was required to join in the filing of a combined return has ceased to be a member of the combined group, and if such corporation files written notice of such cessation with the Department, then the Department upon request of such corporation will furnish the corporation with a copy of any Notice of Deficiency notice of deficiency in respect of the tax for a combined return year for which it was an electing member of the combined group and information regarding any notice and demand for payment of such deficiency. The written notice of cessation should be mailed to the address stated in the instructions to Illinois Schedule UB. The filing of such written notification and request by a corporation shall not have the effect of limiting the scope of the agency of the designated agent provided for in subsection (b) above ~~subparagraph (a) of this Section~~ with respect to those tax years during which the corporation was a member of the combined group covered by the election and a failure by the Department to comply with such written request shall not have the effect of limiting the liability of such corporation provided for in Section 100.5250 of this Part.

f) Appointment of designated agent for purposes of resolving disputes over membership in a combined group. If the Department determines that one or more corporations which did not join in the filing of a combined return are members of a combined group, or that one or more corporations which did join in the filing of a combined return are not members of the combined group which filed the return, then, for purposes of resolving disputes over the membership of the combined group and any separate company item of any such corporation: Effect of dissolution or cessation of designated agent: If the designated agent contemplates dissolution or is about to be dissolved, or for any reason its existence is about to terminate, or if it has ceased to be a member of the group, it shall immediately notify the Department of such fact in writing at the address stated in the instructions to Illinois Schedule UB. Until such notice has been received by the Department, any notice of deficiency or other communication mailed to the designated agent shall be considered as having been properly

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mailed to the agent of the electing members. The new designated agent shall be selected in the manner prescribed in subsection (a).

1) If no combined return was filed, the corporations may appoint a member of the combined group as the designated agent solely for purposes of contesting the Department's determination. The Department may accept a written representation made by any member of the combined group that it has been appointed the designated agent. The appointment of a designated agent under this provision shall not be construed as a concession by either the corporations or the Department regarding the proper composition of the combined group. The designated agent appointed under this provision shall have all rights and responsibilities of a designated agent under this Section. The designated agent appointed under this subsection (f) must meet the qualifications of subsection (a) of this Section and must continue to act as designated agent for the combined group under the provisions of subsection (d) of this Section.

2) If a combined return was filed, the designated agent which filed the return shall represent all corporations which joined in the filing of the combined return and all corporations which the Department asserts are members of the combined group; provided, however, that the Department may allow any corporation which the Department asserts should be added to or eliminated from the combined group included in the return to represent itself after receipt of a written request from such corporation; provided further that, in such case, any such corporation shall be bound by any action taken by the designated agent (including, for example, extensions of the statute of limitations, settlements, stipulations or concessions of fact) before the request of such corporation to represent itself has been accepted by the Department.

(Source: Amended at 22 Ill. Reg. 19033, effective 01-01-1998)

Section 100.5230 Combined Estimated Tax Payments

a) In general. If a combined return is filed for two consecutive taxable years, payments of estimated tax must be made on a combined basis for each subsequent taxable year, until such time as the election is revoked and separate returns are properly filed. For the taxable years in which combined estimated payments are required, the combined group shall be treated as one taxpayer for purposes of IITA Section 803 of the Act (relating to payment of estimated tax). If separate returns are properly filed in a year after a combined return year, the amount of any estimated tax payments made on a combined basis for such year shall be credited against the separate tax liabilities of the former electing members of the combined group in the manner allocated

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by the designated agent which is satisfactory to the Department. The manner of allocation will be satisfactory to the Department if it does not jeopardize the collection of any liability and does not conflict with any allocation made under Section 100.5250(d)(2) of this Part.

- b) First two combined return years. For the first two years for which a combined return is filed, payments of estimated tax may be made on either a combined or separate basis. The amount of any separate estimated tax payments made for such year shall be credited against the combined tax liability. The designated agent shall give notice, in the manner and form prescribed by the Department in the instructions to Illinois Schedule UB, of any estimated payments made on a separate basis for any such year.

- c) Penalty for underpayment of estimated tax.

1) In general. If a combined return is filed, the amount of any penalty for underpayment of estimated tax shall be computed as if the combined group electing members were one taxpayer.

2) Penalty in the first combined return year. In the first combined return year, the determination of any penalty due under IITA Section 804 (including, for taxable years ending prior to December 31, 1990 the application of the exceptions under former IITA Section 804(d)(1) and (2) ~~to~~ shall be made using ~~determined-based-on~~ the aggregate of the tax and income shown on the returns filed by members of the combined group for the previous year.

3) Combined payments made but separate returns filed for a tax year following a combined return year. If a combined group makes ~~former-electing-members-properly-file-separate-returns-for-the-taxable-year--and--if~~ payments of estimated tax were made on a combined basis for all or any part of a taxable year, and its members properly file separate returns for the taxable year, the payments made shall be allocated in the manner provided by subsection (a). The determination of any penalty due from any of the members of the combined group making the estimated payments, as imposed under IITA Section 804 (including, for taxable years ending prior to December 31, 1990, the application of the exceptions under prior IITA Section 804(d)(1) and (2) ~~to~~ shall be made using ~~determined-based-on~~ each former ~~electing~~ member's separate company items ~~allocated--share--of--tax--and-income~~ from the combined return filed for the previous year and such member's allocated share of the combined estimated payments for the current year. The allocated shares shall be reported to the Department by the designated agent in the manner prescribed in the instructions to Schedule UB.

4) Combined payments made but separate returns filed for a tax year not following a combined return year. If combined estimated payments are made for a tax year but no combined return is filed for that year and no combined return was filed in the previous year, the estimated tax shall be a credit only for the

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corporation that made the payment.

- d) Change in membership.

1) Entering. If a ~~an-eligible~~ corporation becomes a member of a new or existing combined group during a common taxable ~~combined-return~~ year (the "entry year") ~~--for--purposes--of-computing-the-exceptions-under-IITA-Section--8047:~~

A) for purposes of applying IITA Section 804 for the entry year, such corporation's separate company items ~~tax--net-income--and--facts~~ shown on its return for its ~~the-preceding~~ taxable year preceding the entry year shall be included with the corresponding items of the members of the combined group ~~tax--net-income-and-facts-shown-on-the-combined--return~~ for the common ~~preceding~~ taxable year preceding the entry year;

B) if such corporation is not a member of the combined group for the entire entry year, for purposes of applying IITA Section 804 to the common taxable year immediately following the entry year, such corporation's separate company items for that portion of the entry year prior to the date of entry shall be included with the corresponding items of the combined group for that taxable year; and

C) if a corporation was a member of another combined group during any portion of the entry year in which it becomes a member of a second combined group or during any portion of the preceding taxable year, for purposes of applying subsections (d)(1)(A) and (B) of this Section, such corporation's separate company item shall include the items attributed to such corporation by the designated agent of the first combined group under subsection (d)(2) below.

- 2) Leaving.

A) If a ~~an-electing~~ corporation leaves a combined the group during a common taxable ~~combined-return~~ year (the "departure year"): 7

i) for purposes of applying ~~computing--the-exceptions~~ under IITA Section 804 to the combined group for the departure year, the separate company items attributed ~~for-such-combined-return-year--the-tax--net-income-and-facts--for--the-preceding-taxable-year-attributable~~ to such corporation shall be ~~separately-identified~~ by the designated agent for the common taxable year preceding the departure year shall be excluded from the corresponding items of the combined group as if such corporation had not been a member of the combined group during the common taxable year preceding the departure year; ~~as-if-the-corporation-was-not-a-member-of-the-group-for-the-preceding-taxable-year.~~

ii) in the case of a corporation departing a combined group after the beginning of the departure year, for purposes of applying IITA Section 804 to the combined

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group in the common taxable year beginning after the departure year, separate company items attributed to such corporation by the designated agent for the portion of the departure year prior to its departure shall be excluded from the corresponding items of the combined group as if such corporation had not been a member of the group during that portion of the departure year; and

iii) for purposes of applying IITA Section 804 to such corporation, for the first taxable year of the corporation beginning after the date of departure, and, in the case of a corporation that leaves a group prior to the end of such corporation's taxable year, for the portion of its separate taxable year remaining after the date of departure, such corporation shall take into account the separate company items attributed to it by the designated agent under subsections (d)(2)(A)(i) and (ii) of this Section.

B) If the designated agent fails to make reasonable correct attributions of separate company items, as described in subsections (d)(2)(A)(i) and (ii) of this Section, prior to the date on which the first Illinois Income Tax return for the departure year is filed by either the combined group or such corporation, no items shall be attributed to such corporation for purposes of applying Section 804 to the combined group or to such corporation; ~~no exceptions to the Section 804 penalty shall apply.~~

e) Examples. The provisions of this Section may be illustrated by the following examples:

1) Example 1.- Corporations P and S-1 file a combined return for the first time for calendar year 1985. P and S-1 also file combined returns for 1986 and 1987. For 1985 and 1986, P and S-1 may make payments of estimated tax on either a separate or combined basis. For 1987, however, the group must pay its estimated tax on a combined basis. In determining whether P and S-1 come within the exception provided in IITA Section 804(d)(1) as in effect for 1985, the "tax shown on the return" is the aggregate amount of tax shown on the separate returns of each member for 1984.

2) Example 2.- Corporations X and Y filed combined returns for the calendar years 1985 and 1986 and separate returns for 1987. In determining whether X or Y comes within the exception provided in IITA Section 804(d)(2) (as in effect for 1987), the "facts shown on the return" are the facts shown on the combined return for 1986 attributable to X and to Y by the designated agent.

3) Example 3.- Assume the same facts as in Example 1 ~~example--(f)~~. Assume further that corporation S-2 becomes a member of the group on July 1, 1987, and joins in the filing of the combined return

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for 1987. In determining whether the group (which now includes S-2) comes within the exception provided in IITA Section 804(d)(1) (as in effect for 1987), the "tax shown on the return" is the tax shown on the combined return for 1986 plus any tax of S-2 on its separate return for 1986. In addition, for purposes of applying IITA Section 804(d)(2) (as in effect for 1987), the "facts shown on the return" for 1986 shall include the facts shown on the combined return plus the separate company items of S-2 for 1986.

In applying IITA Section 804(d) for 1988, the "tax shown on the return" and the "facts shown on the return" for 1987 shall include the separate company items of S-2 for the period prior to the July 1, 1987 date of its entry into the combined group.

4) Example 4.- Assume the same facts as in Example 1 ~~example--(f)~~. Assume further that corporation S-2 is a member of the group during 1986, and joins in the filing of the combined return for such year, but ceases to be a member of the group on September 15, 1987. In determining whether the group (which no longer includes S-2) comes within the exception provided in IITA Section 804(d)(1) (as in effect for 1987), the "tax shown on the return" is the tax shown on the combined return for 1986 less the amount attributed to S-2 by the designated agent. In applying IITA Section 804(d)(2), the "facts shown on the return" for 1986 will exclude the separate company items attributed to S-2 by the designated agent. Likewise, with regard to S-2's return, the "tax shown on the return" and the "facts shown on the return" for 1986 shall be ~~is~~ the amounts ~~amount~~ attributed to S-2 by the designated agent.

5) Example 5. Assume that, on July 1, 1996, S-3 becomes a member of a combined group. Both S-3 and the combined group use a calendar taxable year. For purposes of applying IITA Section 804(c)(1)(B)(ii) for 1996, the "tax shown on the return of the taxpayer for the preceding taxable year" shall include the tax shown on S-2's separate return for 1995. If S-3 was a member of another combined group during 1995, the tax attributed to it for 1995 by the designated agent of its former combined group shall be added to the tax shown on the combined return of its new group for 1995. For purposes of applying IITA Section 804(c)(1)(B)(ii) for 1997, the "tax shown on the return of the taxpayer for the preceding taxable year" shall include the tax reported by S-3 on its separate company return for the period ending prior to its July 1, 1996 entry into the group or any tax liability of its former combined group for 1996 attributed to it by the designated agent of the former combined group.

f) For tax years ending on and after December 31, 1990, IITA Section 804(e) provides that the penalty imposed by Section 804(a) will not be imposed "if the taxpayer was not required to file an Illinois income

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tax return for the preceding year." Because a combined group is treated as a single taxpayer, this exception to the Section 804 penalty shall apply to a combined group only if none of its members were required to file an Illinois income tax return for the preceding year.

- g) If a designated agent makes estimated payments on the erroneous premise that a corporation is an eligible member of the combined group, and discovers the error prior to the time the combined group and the corporation file their respective returns, the designated agent of the combined group may allocate some or all of the estimated payments made on behalf of the combined group to such corporation, and the combined group and the corporation will each compute their penalties as if the estimated payments allocated to such corporation had actually been paid by it rather than by the combined group. The amount of estimated tax payments allocated to such corporation pursuant to this subsection (g) must be consistent with the amounts allocated to such corporation under Section 100.5250(d)(2) of this Part.

(Source: Amended at 22 Ill. Reg. 19033, effective OCT 01 1993)

Section 100.5240 Claims for Credit of Overpayments

- a) In general. If a taxpayer becomes a member of a combined group during a common taxable year in the first taxable year that a member joins in the filing of a combined return, any requested credit carryforward shown on its separate return for the taxable period ending with its entry into the combined group previous year shall be credited against the next year's combined liability, and the designated agent shall claim this credit on the combined return, for the taxable year in which the member joins the combined group. A taxpayer Any electing member that leaves a combined the group may not claim a credit shown on a combined return against its separate tax liability in a subsequent taxable year. When an election is revoked, any claim for credit shown on the last combined return shall be credited against the separate liabilities of the electing members in the manner designated by the designated agent that is satisfactory to the Department. The manner designated will be satisfactory to the Department if it does not jeopardize the collection of any liability.

- b) Examples. The provisions of this Section may be illustrated by the following examples:

- 1) Example 1. Corporation P and S-1 file a combined return in 1985. S-2 becomes an eligible member on January 1, during 1986. S-2's 1985 overpayment of tax which it elected to be credited to 1986 shall be utilized against the combined 1986 liability.
- 2) Example 2. The 1985 combined return of P, S-1 and S-2 shows an overpayment which the designated agent elects as a credit against

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its 1986 liability. If S-2 leaves the combined group during 1986 it does not share in the overpayment credit.

(Source: Amended at 22 Ill. Reg. 19033, effective OCT 01 1993)

Section 100.5250 Liability for Combined Tax, Penalty and Interest

- a) Joint and several liability of electing members of a combined group. The members of a combined group the taxpayers making the election shall be jointly and severally liable for the combined tax, penalty and interest computed in accordance with these combined return regulations. Sections 100.5200 through 100.5200 of this Subpart Part, as well as the Uniform Penalty and Interest Act and rules adopted pursuant to the UPIA at 86 Ill. Adm. Code 700.
- b) Effect of intercompany agreements. No agreement entered into by one or more members of a combined the group with any other member of such group or with any other person shall in any case have the effect of reducing the liability prescribed under this Section.
- c) Penalties. If a penalty is imposed under the IITA and the UPIA with respect to a combined return year, the amount shall be based on the combined tax liability or deficiency for the common taxable combined return year.

- 1) For purposes of applying the penalties for failure to file a return imposed by Section 3-3(a) and Section 3-3(a-5) of the Uniform Penalty and Interest Act (UPIA) [35 ILCS 735/3-31]:

A) A corporation which erroneously fails to join in the filing of a combined return, but which timely files a separate Illinois income tax return or joins in the timely filing of a combined return for another combined group, shall not be subject to any penalty. In determining whether such separate or combined return is timely filed, the separate taxable year of such corporation or the common taxable year of the combined group such corporation erroneously joined shall be used, rather than the common taxable year of the combined group with which such corporation should have filed.

B) A corporation which erroneously fails to join in the filing of a combined return, and which fails, without reasonable cause, to timely file a separate Illinois income tax return or to join in the timely filing of a combined return for another combined group, shall be subject to penalty computed on the amount of tax shown (or required to be shown) due on the combined return for its proper combined group. Because it is the duty of the designated agent, acting on behalf of the combined group, to include such corporation in the combined return, the members of the combined groups shall be jointly and severally liable for the penalty.

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C) A corporation which erroneously joins in the timely filing of a combined return shall not be subject to penalty for failure to file a return.

2) For purposes of applying the penalty for failure to timely pay tax imposed by UPIA Section 3-3(b) [35 ILCS 735/3-3(b)]:

A) In a case where a corporation erroneously fails to join in the filing of a combined return for a common taxable year, neither that corporation nor the combined group shall be subject to any failure-to-pay penalty under UPIA Section 3-3(b)(1) if timely payment is made of the tax shown on a separate return filed by such corporation or on a combined return in which it erroneously joins in filing for each taxable year ending with or within such common taxable year. Unless there is reasonable cause for the failure of such corporation to join in the filing of the combined return, such corporation and the combined group may be jointly and severally liable for a penalty under UPIA Section 3-3(b)(2) for failure to pay any additional amount which would have been shown on the combined return had such corporation been included.

B) A corporation which erroneously fails to join in the filing of a combined return for a common taxable year and also fails to timely pay the tax shown on a separate return it files or on a combined return in which it joins in filing for each taxable year ending with or within such common taxable year shall be subject to penalty under UPIA Section 3-3(b)(1) only for failure to pay the tax shown on the return it actually files or joins in filing. Unless there is reasonable cause for the failure of such corporation to join in the filing of the combined return, such corporation and the combined group may be jointly and severally liable for a penalty under UPIA Section 3-3(b)(2) for failure to pay any additional amount which would have been shown on the combined return had such corporation been included.

C) If a corporation erroneously joins in the filing of a combined return, neither such corporation nor the combined group shall be subject to penalty under UPIA Section 3-3(b)(2) for failure to pay any tax required to be shown on a separate company return and the combined group shall not be subject to penalty under UPIA Section 3-3(b)(2) for failure to pay any increase in tax resulting from the exclusion of such corporation from the combined group if the tax timely paid with the original combined return exceeds the total tax required to be shown on the correct returns.

3) For purposes of applying the negligence penalty imposed by UPIA Section 3-5 [35 ILCS 735/3-5] or the fraud penalty imposed by UPIA Section 3-6 [35 ILCS 735/3-6] in any case in which a corporation erroneously joins or fails to join in the filing of a

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combined return, the penalty may be imposed on any deficiency resulting from such error, without taking into account any overpayment which may have resulted from the error.

Example. Corporations A, B and C meet all the requirements of a unitary business group, except that Corporations A and B are financial organizations which cannot be included in the same unitary business group as Corporation C, a manufacturer. On a separate-return basis, Corporation A has an Illinois net loss of \$500, Corporation B has Illinois net income of \$300 and Corporation C has Illinois net income of \$700. Corporations A and C file a combined return reporting combined Illinois net income of \$200, while Corporation B files a separate return reporting Illinois net income of \$300. On audit, the Department corrects the liabilities by combining Corporations A and B, which eliminates Corporation B's separate return income and entitles them to a refund of the taxes paid by Corporation B, and by determining a separate return deficiency for Corporation C. If the combination of Corporations B and C on the original return was due to negligence or an intent to defraud, Corporation C will be subject to the applicable penalty on its entire deficiency without regard to the overpayment made by Corporation B.

For purposes of applying the penalty for failure to pay estimated taxes under IITA Section 804, see Section 100.5230 of this Part.

d) Interest. If interest is imposed under the IITA, at the rate determined under the UPIA, with respect to a combined return year, the amount shall be based on the combined tax liability or deficiency for the common taxable combined-return year. For purposes of computing any combined overpayment or underpayment on which interest is imposed:

1) in a case in which one or more corporations erroneously failed to join in the filing of the combined return, all payments, credits and other amounts collected from such corporations which are properly attributable to the common taxable year shall be treated as having been paid by the combined group for such common taxable year; and

2) in a case where one or more corporations are erroneously included in a combined return, the designated agent may allocate to each such corporation some or all of the payments, credits and other amounts collected from the combined group which are properly attributable to the common taxable year, and all overpayments and underpayments for such corporations and the combined group will be computed in accordance with such allocation. The amount of estimated tax payments allocated to each such corporation pursuant to this subsection (d)(2) must be consistent with the amounts allocated to such corporation under Section 100.5230(a) and Section 100.5230(g) of this Part.

(Source: Amended at 22 Ill. Reg. 19033, effective OCT 01 1998)

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Section 100.5260 Combined Amended Returns

- a) In general. The election or requirement to be treated as a single taxpayer applies to any amended return which includes the same taxpayers of the unitary business group which joined in the filing of election-to-file the original return. ~~Amended-returns-shall-be-filed on-behalf-of-those-members-and-only-those-members-that-joined-in-the original-combined-return.~~
- b) No election. If an election is not in effect for a taxable year ending prior to December 31, 1993, a combined amended return shall not be filed for that year.
- c) ~~Revoked-election:~~ If an election is in effect for a taxable year and it is subsequently revoked for that year because the group is not a unitary business, the designated agent ~~may~~ shall not file a combined amended return. Similarly, if a group files what it believes to be a required combined return, and it is later determined that the group is not engaged in a unitary business, the designated agent shall not file a combined amended return. Instead, in either instance, the designated agent and each corporation which joined in the filing of the combined return it shall file a separate amended return. In computing the tax due on any such amended return, the filer shall take into account all payments, credits and other amounts (including refunds) allocated to it by the designated agent pursuant to Section 100.5230(g) or Section 100.5250(d)(2) of this Part. ~~and--each-other Illinois-taxpayer-shall-file-separate-original-returns.~~
- d) Ineligible member. If a change in liability relates to the removal of a member that was not eligible to make the election, or of a taxpayer which could not be required to be a part of the group (e.g., a corporation which was not engaged in a unitary business with the combined group members, a ~~rev~~ partnership, or a Subchapter S Corporation, ~~--or-a-corporation-with-a-different-taxable-year~~), the designated agent shall file a combined amended return and the ineligible taxpayer member shall file a separate amended return.
- e) If a corporation erroneously fails to join in the filing of a combined return, the designated agent shall file an amended combined return adding such corporation and, if a separate return was filed by such corporation, such corporation shall file an amended separate return showing no net income, overpayment or underpayment, and stating that such corporation has joined in the filing of a combined return.

(Source: Amended at 22 Ill. Reg. **19033**, effective **06/01/1993**)

Section 100.5265 Common Taxable Year

- a) The common taxable year of a combined group shall be the taxable year of the designated agent. However, if a combined group has been using the taxable year of the member of the combined group that, as of the

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time the combined group becomes eligible to file a combined return, would be expected to have the greatest Illinois income tax liability on a recurring basis if it were not a member of a unitary business group, it may continue to do so for taxable years ending prior to January 1, 1999. The combined group must thereafter use the taxable year of the designated agent.

- b) For taxable years ending on or after December 31, 1987, members of a combined group may have different taxable years. In the case of a member having a taxable year different from the common taxable year determined in subsection (a) above, the separate company taxable income of that member used in computing the combined net income of the combined group shall be determined using one of the following methods:

1) Method 1. The member may compute its pro-forma taxable income from its books and records for the common taxable year.

2) Method 2. The member may use pro-rated shares of its taxable income for its taxable years ending in and beginning in a common taxable year. This method may be used only if the combined return for a common taxable year may be timely filed (including automatic extensions) after the close of such member's taxable year which begins in the common taxable year for which the return is filed, and such combined return may not be filed until after the close of such member's taxable year. To illustrate:

Example 1: Corporation A is a calendar-year member of a combined group having a common taxable year ending July 31. If Corporation A uses the method described in this subsection (b)(2), its taxable income for the taxable year ending July 31, 1995 would be five-twelfths of its 1994 taxable income and seven-twelfths of its 1995 taxable income. Rather than using months to pro-rate its income, Corporation A may use the number of days in its taxable year or (in the case of a corporation using a 52/53 week taxable year) the number of weeks in the taxable year. The combined return for the common taxable year ending July 31, 1995, may not be filed until after December 31, 1995, the close of Corporation A's taxable year which begins during that common taxable year.

Example 2: Corporation B uses a taxable year ending October 31, and is a member of a combined group with a calendar common taxable year. Corporation B may not use the method described in this subsection (b)(2), because, in applying this method for calendar year 1995, Corporation B would have to include in its common taxable year income two-twelfths of its income for its taxable year ending October 31, 1996, and the group's 1995 return (including automatic extensions) would be due on October 15, 1996, before the close of Corporation B's taxable year.

3) Method 3. The separate company taxable income of such member for any taxable year ending in the common taxable year shall be included in combined net income of the combined group.

c) Consistency in use of method. Each taxpayer having a taxable year

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different from the common taxable year of its combined group may separately elect which of the methods listed in subsection (b) above it will use for the first combined return in which such taxpayer is a member of the combined group. Once a member has used one of those methods for a combined return, that method shall be used for all subsequent combined returns of such group unless:

- 1) the change in method is disclosed in an attachment to the first combined return for which a different method is used;
- 2) the attachment shows, for each year in which the member changing its method has been a member of the combined group, including the year in which the new method will be used:
 - A) the net income of the combined group computed with such member using its former method;
 - B) the net income of the combined group computed with such member using the new method; and
 - C) the totals of such combined net incomes as computed using each method; and
- 3) any excess of the total amounts of combined net income computed using the new method over the total amounts computed using the old method must be added to (or any deficiency be subtracted from) the net income of the combined group for the year in which the new method is first used.

d) If the common taxable year of a combined group is changed, and the new common taxable year ends before the end of the former common taxable year during which the change occurs, all separate company items of each member of the combined group arising since the end of the last common taxable year before the change must be taken into account on the combined return filed for the first common taxable year after the change, and any separate company item reported on a combined return for a prior common year shall be excluded from the combined return filed for the first common taxable year after the change.

Example. Combined group ABC uses a common taxable year ending on December 31, the taxable year of all three corporations. Corporation D is the controlling corporation of ABC, but is not an eligible member because it has no taxable presence in Illinois. On January 1, 1998, Corporation D establishes a taxable presence in Illinois, and becomes the designated agent under Section 100.5220(d)(1)(B). The group is thereafter required to use Corporation D's taxable year, which ends on June 30. If Corporation A, B or C elects to use either Method 1 or Method 2, combined group ABCD's combined return for the common taxable year ending June 30, 1998 shall include the separate company items of that corporation only for the period from January 1, 1998 through June 30, 1998 as determined under the elected method. If one of the corporations elects to use Method 3, it must determine its separate company items for the period from January 1, 1998 through June 30, 1998 using either Method 1 or Method 2 and include such items in the combined return for combined group ABCD for the common taxable year ending June 30, 1998. The remainder of the corporation's income for

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its taxable year ending December 31, 1998 will then be included in the combined return for the common year ending June 30, 1999.

e) If the common taxable year of a combined group is changed, and the new common taxable year ends after the end of the former common taxable year during which the change occurs, the combined group must file a combined return for the period ending with the date the common taxable year is changed and a combined return for the period from the date of change to the end of the new common taxable year.

Example. Combined group AB uses a common taxable year ending on June 30, the taxable year of Corporation A, the corporation which has the greatest Illinois income, rather than the October 31 taxable year of Corporation B, its designated agent. Under subsection (a), the combined group is required to change to an October 31 common taxable year as of January 1, 1999. The group must file a combined return for the short taxable year from June 30, 1998 through December 31, 1998 and a combined return for the common taxable year ending through October 31, 1999 which includes only the separate company items of the members arising after January 1, 1999. Each corporation may separately elect to use either Method 1 or Method 2 to determine its separate company items for each short taxable year.

f) Members entering and leaving a combined group. Regardless of which method under subsection (b) is used by a member with a taxable year other than the common taxable year:

1) in the case of a corporation becoming a member of a combined group after the beginning of the corporation's taxable year:

A) if the corporation was not a member of another combined group immediately prior to the time it joins the combined group, the corporation shall file a separate return for the short taxable year ending on the day prior to the date it joins the combined group. The net income reported on that separate return shall be determined using the method elected by the corporation under subsection (b) for determining the portion of its separate taxable income to be included in the combined group's combined net income for the common taxable year in which the corporation becomes a member of the combined group. The separate return shall be due on the due date (including extensions) of the combined return of the combined group for the common taxable year in which the corporation becomes a member.

Example 1. Corporation A uses a calendar taxable year. On April 1, 1999, a member of unitary business group BCD acquires 51% of the stock of Corporation A, and Corporation A immediately becomes a member of the unitary business group. Group BCD has a common taxable year ending June 30, which remains the common taxable year of group ABCD. If Corporation A elects to use Method 1, it must report pro-forma taxable income for the period from January 1 through March 31, 1999 on a separate return; include

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pro-forma taxable income for the period from April 1 through June 30, 1999 in the combined return of group ABCD for the common taxable year ending June 30, 1999; and include pro-forma taxable income for the period from July 1 through December 31, 1999 and for the period from January 1 through June 30, 2000 in the combined return of group ABCD for the common taxable year ending June 30, 2000. The separate return for the period ending March 31, 1999 will be due on the date of group ABCD's combined return for June 30, 1999. If Corporation A elects to use Method 2, it must report its income for 1999 in the same manner, except that it will pro-rate its 1999 income among the four different periods in proportion to the length of each period. If Corporation A elects to use Method 3, Corporation A must use either Method 1 or Method 2 to determine its taxable income for its separate return for the period ending March 31, 1999, and will include the remainder of its 1999 income in the combined return for group ABCD for the common taxable year ending June 30, 2000.

B) if the corporation was a member of another combined group immediately prior to the time it joins the new combined group, the corporation shall include in the combined net income of the new combined group for the common taxable year in which it becomes a member all of its separate company taxable income for its taxable year which was not included in the combined net income of the old combined group for the common taxable year of the old combined group during which the corporation joins the new combined group. The corporation must use either Method 1 or Method 2 to determine the separate company items to include in each combined return which includes the date it leaves the old combined group and joins the new combined group. Thereafter, if its taxable year is not the common taxable year of the new combined group, it may elect any of the three methods.

Example 2. Assume the same facts in Example 1 above except that Corporation A is a member of combined group XYZ prior to the date its stock was acquired by a member of combined group BCD. Corporation A must use either Method 1 or Method 2 to determine the portion of its 1999 separate company taxable income for the period from January 1 through March 31, 1999, which will be included in the combined net income of group XYZ. If Corporation A was using either Method 1 or Method 2 while a member of group XYZ, it must use the same method for this purpose. Corporation A may then elect any of the three methods for use in computing the combined net income of group ABCD; provided, however, that Corporation A's separate company taxable income for the

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period from April 1 through December 31, 1999 shall be equal to its separate company taxable income for 1999 minus the amount of its separate company taxable income for January 1 through March 31, 1999 included in the combined net income of group XYZ.

2) in the case of a corporation which ceases to be a member of a combined group, no separate company taxable income of such member which has been included in the combined net income of the combined group on any combined return shall be included in net income on any separate company return or any combined return of another combined group.

(Source: Added at 22 Ill. Reg. 12033, effective OCT 01 1998)

Section 100.5270 Computation of Combined Net Income and Tax

a) Determination of base income. The combined base income shall be determined by first computing the combined unitary-business group's combined net taxable income and then modifying this amount by the combined unitary-business group's combined Illinois addition and subtraction modification amounts.

1) Combined net taxable income. The designated agent will determine combined base taxable income by treating all members of the unitary business group (including other--than ineligible members) as if they constituted a federal consolidated group and by applying the federal regulations for determining consolidated taxable income, except that the separate return limitation year provisions and the limitations on consolidation of life and non-life companies in Treasury Reg. Section 1.1502-47 shall not apply. (See Treasury IRS Reg. Section 1.1502-11, 26 CFR 1.1502-11.) A consolidated net operating loss deduction, as defined in Treasury IRS Reg. Section Sec. 1.1502-21, 26 CFR 1.1502-21, shall be added back to taxable income, in whole or in part, in accordance with subsections (a)(2), (4) and (5) below. Pursuant to IITA Section 203(e)(2)(E), combined base taxable income shall be determined as if the election provided by Section 243(b)(2) of the Internal Revenue Code had been in effect. The group's combined taxable income is the preceding amount--plus--the taxable income--of--each member--that is not eligible to make the election--(tre--non--corporate--members--S--Corporations--and corporations--with--different--taxable--years)--

Example 1. Corporations A and B properly make an election under IITA Section 502(e), or are properly required to file a combined return under IITA Section 502(e) (f). On a separate return basis, A's federal taxable income would be a loss of (\$500). This amount does not include an excess capital loss of \$75 pursuant to Internal Revenue Code Section 1211(a). B's federal

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taxable income is \$1,000 of which \$100 is capital gain. As a result of applying Treasury IRS Reg. Section 1.1502-11 and Section 1.1502-22 (26 CFR 1.1502-22), the combined federal taxable income for A and B is \$425.

- 2) Combined Illinois net operating loss. The combined group's current year combined net taxable income may be less than zero, in which case it shall be determined by applying the provisions of Treasury IRS Reg. 1.1502-21(f) (consolidated net operating loss) to the unitary business group.

Example 2. Same facts as Example 1. In subsection (a)(1) above except that Corporation C has also properly joined in the election, or is properly required to join in the combined return filing, and its federal taxable income is a loss of (\$800). If there are no addition or subtraction modifications and all of the group's base income is apportioned to Illinois, the group's combined Illinois net operating loss for the taxable year will be (\$375).

- 3) Carrybacks and carryovers. Carrybacks and carryovers, if any, shall be determined for each member and not for the group. A pro rata share of the loss is attributable to each of the loss members. For Illinois net losses that occurred in taxable years ending on or after December 31, 1986, the amount of any carryback or carryover shall be determined by applying Sections 100.2340, 100.2350(c)(7)(3) and (c)(7)(4) of this Part. For federal net operating losses that occurred in taxable years ending prior to December 31, 1986, the amount of any carryback or carryforward shall be determined by applying Section 100.2230 100-2750 of this Part.

Example 3. Same facts as Example 2. In subsection (a)(2) above. Assuming the taxable year ends prior to December 31, 1986, the group's combined net operating loss of (\$375) will be divided between A and C as follows for purposes of carryback and carryover:

Corp. A: $500/1,300 \times (375) = 144$
Corp. C: $800/1,300 \times (375) = 231$

- 4) NOL addition modification of federal net operating loss deductions from a loss incurred in a taxable year ending on or after December 31, 1986. IITA Section 203(b)(2)(E) requires that the amount of any federal net operating loss deduction taken in arriving at taxable income for federal tax purposes, other than from a loss in a taxable year ending prior to December 31, 1986, shall be added back to taxable income in the computation of base income. See Section 100.2320(a) of this Part.

- 5) NOL addition modification of pre December 31, 1986, federal losses. IITA Section 203(b)(2)(E) 203(b)(2)(f) requires an addition modification subject to two limitations for taxable years in which a federal net operating loss carryforward from a taxable year ending prior to December 31, 1986, is an element of

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taxable income. Consequently, each member allowed to carryback or forward a portion of the group's combined net operating loss from a year in which that combined loss was used to offset a portion of the group's combined excess addition modifications must take as an addition modification in the carryback or carryover year its respective share of the NOL addition modification required by IITA Section 203(b)(2)(E) 203(b)(2)(f). In accordance with Section 100.2240 100-2800 of this Part, the respective shares shall be determined in the same manner as the determination of the amount of NOL carryback or carryover.

Example 4. Same facts as Example 2. In subsection (a)(2) above except that the group had combined excess addition modifications of \$100. This amount will be divided among the loss members as follows:

Corp. A: $500/1,300 \times 100 = 38$
Corp. C: $800/1,300 \times 100 = 62$

- b) Combined base income allocable to Illinois. Combined base income allocable to Illinois is the sum of the combined business income or loss apportioned to Illinois plus the combined nonbusiness income or loss allocated to Illinois plus the combined nonunitary partnership income or loss allocated to Illinois, less the combined net loss deduction.

1) Combined business income apportionable to Illinois. In the case of a combined group required to apportion its business income using the three-factor (payroll, property and sales) formula under Section 304(a) of the IITA, the designated agent will apportion determine the unitary business group's combined business income by using the total Illinois payroll, property and sales of each member of the combined group and the total everywhere payroll, property and sales of each member of the unitary business group (including ineligible members) apportionable to Illinois by multiplying the group's combined business income by the average of the group's combined property, payroll and sales factors. These factors will be determined by dividing the group's Illinois property, payroll and sales by the total property, payroll and sales of the group everywhere. In the case of groups composed exclusively of one-factor apportionment taxpayers (financial, insurance, or transportation), the unitary business group's combined business income will be apportioned by using multiplying the group's combined business income by the combined group's total Illinois combined financial, insurance, or transportation factors and total everywhere factors of the unitary business group.

A) Example 1:

- i) Corporations A, B, and C constitute a unitary business group. Corporations A and B are eligible to make the election under IITA Section 502(e) for tax years ending before December

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31, 1993. However, under Public Law (f)---Under--ps 86-272, Corporations--A-and-B-are-taxable-in-Illinois but Corporation C is not taxable in Illinois.

- ii) Based on these facts, if the election to be treated as one taxpayer is made, the combined Illinois sales factor must be determined by dividing the combined group's total combined Illinois sales (that is, excluding any sales of Corporation C shipped to purchasers in Illinois) by the total combined sales of the unitary business group everywhere. If the same facts are applied to a tax year ending on or after December 31, 1993, the same result will occur in the mandatory combined return situation.

B) Example 2:

- i) Same facts as in Example 1 except--(t), except these additional facts also exist. Under Public Law ps 86-272, Corporations B and C are taxable in South Carolina, but corporation A is not.

- ii) Based on these facts, if the election to be treated as one taxpayer is made, or the taxpayers are required to be treated as one taxpayer, the combined Illinois sales factor must be determined by dividing the combined group's total combined Illinois sales (including any sales of Corporation A shipped to purchasers in South Carolina from any place of storage in Illinois, i.e., throwback sales) by the total combined sales of the unitary business group everywhere.

- 2) Combined nonbusiness and nonunitary partnership income allocable to Illinois. The designated agent shall compute the amount of combined nonbusiness income or loss allocable to Illinois by first determining the amount for each electing member of the combined group and then combining these amounts. Similarly, the designated agent shall compute the amount of combined nonunitary partnership income or loss allocable to Illinois by first determining the amount for each electing member and then combining these amounts.

- 3) Combined Illinois net loss deduction. The designated agent shall compute the combined Illinois net loss deduction for losses originating in tax years ending on or after before December 31, 1986, by determining the amount of deduction available for each electing member of the combined group in accordance with Sections 100.2330, 100.2340 and 100.2350 of this Part and then by combining these amounts.

- c) Combined exemption. Under the election or requirement to be treated as one taxpayer, there is one exemption per combined return. The designated agent shall compute the combined exemption by multiplying \$1,000 by a fraction, the numerator of which is combined base income

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allocable to Illinois and the denominator of which is the group's combined base income. The exemption amount for members of unitary groups not making the election, or subject to the requirement, and for members of unitary groups ineligible to make the election, or not subject to the requirement, is computed by multiplying \$1,000 by a fraction, the numerator of which is that member's base income allocable to Illinois, and the denominator of which is the group's combined base income.

d) Combined credits:

- 1) Applicability of credits. The designated agent will compute any credit allowed by the IITA based on the combined activities of the members of the combined group electing-eligible-members and such credit will be applied against the combined liability of the combined group electing-eligible-members.

- 2) Credits based on members' electing-eligible-members activities. The investment credits provided in IITA Sections 201(e), (f) and (h) 204(g)-(h)-and-(j) and 206(b) are available when certain property is purchased and placed in service by a taxpayer. The combined group electing-eligible-members shall be entitled to a combined credit, assuming the other statutory or regulatory requirements applicable to the given credit are satisfied, even if one of the electing members purchases the qualified property and another member joining-in-the-election uses the property in a qualified manner.

- 3) Effective January 1, 1994, the investment credit provided in IITA Section 201(e) is allowed for a taxpayer who is primarily engaged in manufacturing, or in mining coal or fluorite, or in retailing. In the case of a combined group, the determination of eligibility shall be made for the combined group as a whole, rather than for any individual member. The determination of whether a combined group is primarily engaged in a qualifying activity shall be made by applying the 50% of gross receipts test in Section 100.2101(f) of this Part by taking into account the gross receipts of only the eligible members of the combined group. Gross receipts of corporations which would otherwise be members of the combined group, but which have no taxable presence in Illinois or which cannot be combined for any other reason, are not considered in this determination. In determining whether a combined group is primarily engaged in retailing, gross receipts from transactions between eligible members of the combined group shall be eliminated from both the numerator and the denominator of the computation. In determining whether a combined group is primarily engaged in manufacturing or in the mining of coal or fluorite, gross receipts from manufacturing or the mining of coal or fluorite shall include gross receipts from sales of products manufactured or coal or fluorite mined by one eligible member of the combined group to another eligible member of the combined group, provided, however, that the amount of such gross receipts

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shall be subject to adjustment by the Department under the provisions of Section 404 of the IITA.

- 43) The additional credit provided in IITA Section 201(e)(9) and the credit provided in Section ~~subsection~~ 201(g) ~~†††~~ are based on specified increases in employment in Illinois. For purposes of determining entitlement to these credits during a combined-return year, the increase in employment shall be determined with respect to the employment of all ~~electing~~---eligible members of the combined group in Illinois and not an individual member's employment. For purposes of determining the increase in employment in Illinois for a common taxable year, the Illinois employment of all taxpayers who are members of the combined group during that common taxable year shall be used; that is, both prior and current year Illinois employment of current members who were not members of the combined group in the prior year shall be included in the determination, while prior and current year Illinois employment of taxpayers who ceased to be members of the combined group during the current or prior year shall be excluded. The application of this subsection (d)(4) is illustrated by the following examples:

Example 1. Corporations A, B and C were members of a unitary business group which elected to file a combined return for 1989. Corporation D was not a member of the ABC combined group in 1989, but becomes a member of combined group ABCD filing a combined return for 1990.

During 1989, Corporations A, B and C employed a total of 150 persons in Illinois and Corporation D employed 50 people in Illinois, for a total of 200. During 1990, Corporations A, B and C employed 100 persons in Illinois and Corporation D employed 100 persons in Illinois, again for a total of 200.

IITA Section 201(e), which provides for a Replacement Tax Investment Credit for qualified property placed in service by the taxpayer during the year, allows an additional 0.5% credit for such property to a taxpayer whose Illinois employment has increased by at least 1% over its Illinois employment in the immediately preceding year. Combined group ABCD cannot qualify for the additional 0.5% credit during 1990 because the combined Illinois employment of Corporations A, B, C and D remained unchanged between 1989 and 1990. Because eligibility is determined at the combined group level, no additional credit can be allowed for qualified property placed in service by Corporation D in 1990, even though Corporation D's Illinois employment doubled between 1989 and 1990.

Example 2. Corporations P, Q, R and S filed a combined Illinois return for calendar year 1990. On January 1, 1991, Corporation S was sold to an unrelated purchaser. Corporations P, Q and R filed a combined Illinois return for calendar year 1991.

Combined group PQRS employed 400 people in Illinois during 1990,

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100 of whom were actually employees of Corporation P and 100 of whom were actually employees of Corporation S. Combined group PQR employed 350 people in Illinois during 1991, 50 of whom were actually employees of Corporation P.

Combined group PQR can qualify for the additional 0.5% Replacement Tax Investment Credit allowed under IITA Section 201(e) for qualified property placed in service during 1990 because the Illinois employment of the three members of the combined group increased from 300 in 1989 to 400 in 1990. Because the eligibility is determined at the combined group level, property placed in service by Corporation P during 1990 may qualify for the additional 0.5% credit even though Corporation P's Illinois employment actually decreased.

Example 3. IITA Section 201(g) allows a Jobs Tax Credit equal to \$500 per eligible employee hired to work in an enterprise zone during a taxable year. The taxpayer must hire 5 or more eligible employees during the taxable year in order to qualify for the credit. The credit is taken in the taxable year following the year the employee is hired. Corporations W, X, Y and Z filed a combined Illinois return for calendar year 1990. Corporation Z was sold to an unrelated purchaser on December 31, 1990. Corporations W, X and Y filed a combined return for 1991. During 1990, WXYZ hired 5 eligible employees to work in an enterprise zone, 3 of whom were actually hired by Corporation Z. Combined group WXY may claim a Jobs Tax Credit of \$2,500 for 1991 because it hired 5 eligible employees during 1990. The fact that Corporation Z, which hired 3 of the employees, left the combined group at the beginning of 1991 does not alter the fact that the combined group earned the Jobs Tax Credit nor entitle Corporation Z to any portion of the credit for its separate company return for 1991.

- 5) The research and development credit provided in IITA Section 203(j) is based on increasing research activities in this State (see Section 100.2160 of this Part). For purposes of determining entitlement to the credit during a combined-return year, the increase in research activities shall be determined with respect to research activities conducted by all members of the combined group in Illinois and not an individual member's research activities. The following series of examples illustrate the application of the research and development credit in combined return situations involving Corporations A, B and C that incurred the following expenses for qualified research activities in Illinois:

	1990	1991	1992	1993
Corp. A	50,000	50,000	50,000	0
Corp. B	25,000	25,000	100,000	200,000
Corp. C	75,000	125,000	100,000	100,000

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	150,000	200,000	250,000	300,000
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A) Example 1. A, B, and C filed combined returns for the years ending December 31, 1990, December 31, 1991, December 31, 1992 and December 31, 1993. The proper amount of the Research and Development Credit for the year ending December 31, 1993 is determined based upon the combined activities on the combined return and is calculated as follows:

Total qualified expenditures for 1993	300,000
Average qualified expenditures for 1990-92	200,000
Excess of 1993 expenditures over base period	100,000
Research and development credit for 1993	6,500

B) Example 2. A and B filed a combined return for the year ending December 31, 1990. C filed a separate return for the year ending December 31, 1990. A purchased the common stock of C on January 1, 1991. A, B and C filed combined returns for the years ending December 31, 1991, December 31, 1992 and December 31, 1993. The \$75,000 of expenses for qualified research activities in Illinois incurred by C for the year ending December 31, 1990 should be included in the calculation of the average qualified expenditures for the base period. The credit for the combined return would be calculated as follows:

Total qualified expenditures for 1993	300,000
Average qualified expenditures for 1990-92	200,000
Excess of 1993 expenditures over base period	100,000
Research & Development Credit for 1993	6,500

C) Example 3. A, B and C filed combined returns for the years ending December 31, 1990, December 31, 1991 and December 31, 1992. On January 1, 1993, A sold the common stock of C to P (an unrelated corporation). For the year ending December 31, 1993, C was included in the combined return filed by P. In determining the proper amount of the Research and Development Credit for the combined return filed by A and B for the year ending December 31, 1993, the expenses for qualified research activities in Illinois incurred by C of \$75,000, \$125,000 and \$100,000 for the years ending December 31, 1990, December 31, 1991 and December 31, 1992, respectively, may not be included in the calculation of the average qualified expenditures for the base period for A and B for the year ending December 31, 1993. The credit for the combined return for A and B for the year ending December 31, 1993 would be calculated as follows:

Total qualified expenditures for 1993	200,000
Average qualified expenditures for 1990-92	100,000
Excess of 1993 expenditures over base period	100,000
Research & Development Credit for 1993	6,500

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64) Credit carryforward. Any combined credit carryforward shall be available to the combined group for the next combined-return year. For purposes of the credits allowed with respect to certain qualifying property under ILTA Sections 201(e), (f), and (h) and 206(b), where ~~where~~ a member becomes ineligible to join in the election, or is no longer required to be part of the combined return, the credit carryforward shall be available to the remaining ~~electing~~ members if such members continue to both own and use the property for which the credit was claimed in a qualifying manner for 48 months after the placed-in-service date. The credit carryforward shall be available to the former ~~taxpayer~~ member that has become ineligible if that former ~~taxpayer~~ member both owns and uses the property for which the credit was claimed in a qualifying manner for the remainder of the 48-month period after the placed-in-service date. If a credit carryforward is available to the former member ~~taxpayer~~ that has become ineligible, the amount of the carryforward is equal to the combined unused credit multiplied by a fraction, the numerator of which is the credit attributable to the qualified property of such former member ~~such-ineligible-taxpayer~~ for the combined unused credit year, and the denominator of which is the qualified property of the combined group ~~combined-credit-earned~~ for such unused credit year.

Example 1. In 1985, Corporation A purchased \$300,000 of eligible property, \$200,000 of which was used by A and \$100,000 of which was transferred to and used by Corporation B. A and B filed a combined return for that year which showed an income tax liability of \$1,000 and an investment credit of \$1,500. The group's unused credit was \$500. In 1987, B left the group, and during that year it owned and continued to use the \$100,000 of eligible property. Its credit carryforward would be computed as follows:

$\$500 \times \$100,000 / \$300,000 = \166.67

75) Recapture. For purposes of credits which are recaptured when property ceases to be qualified property or is moved out of Illinois or when property is moved outside of an enterprise zone within 48 months of the placed-in-service date, the ~~electing~~ members of the combined group are responsible for the recapture of any personal property replacement tax or income tax.

Example 1. Same facts as in the Example 1 ~~example-1~~ in subsection (d)(6)(4) above except in 1987 Corporation A transferred its eligible property (originally purchased for \$200,000 ~~\$200~~, in 1985) to Corporation B. Corporation B was acquired by Corporation C in 1987 and, immediately afterward, B sold all the eligible property (originally purchased for a total of \$300,000) to an unrelated third party. B and C file a combined return for that year and they must increase their tax liability by \$1,000 due to the credit that was allowed on the

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combined return filed by A and B in 1985.

- e) Ineligible members. If an election is in effect and the unitary business group contains an ineligible member (i.e., a partner in a S Corporation or, for years ending prior to December 31, 1987, a corporation with a different taxable year), the ineligible member shall file a separate unitary return using the combined apportionment method. The taxable income of the members that joined in the election shall be their combined taxable income as determined under subsection Section-100-5270(a)(1) of this Section Part. If a corporation is ineligible because it has a different taxable year, it shall use either method of accounting available to part-year members and set forth in subsection Section-100-5270(f)(2) of this Section Part. If two or more corporations are ineligible because they have an accounting period that is different from other members making the election, they may elect to file their own combined return if they have the same taxable year. The foregoing rule also applies in the case of erroneous inclusion of a member in a group otherwise required to file a combined return.

f) Part-year members

- 1) General rule. If an eligible corporation becomes a member of a unitary business group after the beginning of the combined return year or ceases to be a member of the unitary business group during the combined return year, two tax returns will be affected for that taxable year. The combined return shall include the separate company items of amounts---attributable---to such corporation for the part of the year it was a member of the unitary business group. Separate company items of a part-year member for any portion of its taxable year prior to the date it joins or after the date it leaves the unitary business group shall either be reported in a short-year separate return filed by such part-year member (if it is subject to Illinois income tax during that period) or included in any combined return filed on behalf of a unitary business group to which such part-year member belongs during that portion of the year. A separate return shall be filed and included for if a member of a different group---such group's---combined---return---shall---include---amounts---attributable---to such corporation for the remainder of the year.

- 2) Accounting. The part-year member shall use either Method 1 or Method 2 (described in Section 100.5265(b) of this Part) to determine its separate company items for the portion of the year before it becomes a member and the portion of the year after it becomes a member of the combined group. Either---a---proration---or specific---accounting---method---may---be---used---to---attribute---amounts---of taxable income or loss, modifications, business income or loss, apportionment factors, nonbusiness or partnership income or loss, and---credits---to---the---different---portions---of---the---taxable---year---A proration shall be done on the basis of---the---number---of---months failing---within---the---respective---periods---the specific accounting

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method shall be an assignment of amounts apportioned as though the respective periods were separate and distinct for specific accounting purposes. Whichever method is used by the part-year member, the group shall use the same method for each portion of the combined return year. (See Section 100-3320(f) of this Part.)

- 3) Ineligible members. If a part-year member is a taxpayer that is ineligible to make an election, it shall file separate tax returns for the respective periods using either of the accounting methods described in subsection (2) above.
- 4) Members not subject to tax. If a part-year member has no taxable presence in Illinois for the part-year, the amounts attributable to such member in the combined return shall be determined by using either of the accounting methods described in subsection (2) above.

(Source: Amended at 22 Ill. Reg. 19033, effective OCT 01 1998)

Section 100-5280 Combined Return Issues Related to Audits Definitions and Miscellaneous Provisions Relating to Combined Returns

- a) If, on audit, the Department determines that two or more corporations are members of a unitary business group for which no combined return was filed:

1) For taxable years ending on or after December 31, 1985 and before December 31, 1993, any audit liabilities determined by the Department will be proposed and processed on a separate unitary return basis. If Notices of Deficiency are issued, they will be issued to each Illinois taxpayer and will reflect that taxpayer's Illinois income tax liability computed on a separate return basis.

2) For taxable years ending on or after December 31, 1993, any audit liabilities determined by the Department will be processed on a combined return basis. Because each member of a combined group is jointly and severally liable for the tax liability of the entire group, if any Notices of Deficiency are issued:

- A) the Notices of Deficiency shall reflect the combined return income and liability of the entire combined group; and
- B) a separate Notice of Deficiency will be issued to each Illinois taxpayer, unless a designated agent has been appointed under Section 100.5220(g) of this Part, in which case the Department may issue a Notice of Deficiency solely to the designated agent and to any corporation which has requested the Department to be allowed to represent itself pursuant to Section 100.5220(f)(2) of this Part.

- b) If two or more corporations have filed a combined return and, on audit, the Department determines that one or more additional

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corporations belonged to the combined group and should have joined in the filing of the combined return, any audit liabilities shall be proposed and processed as follows:

1) If, prior to the issuance of a Notice of Deficiency, any of the corporations which did not join in the combined return and the designated agent of the combined group agree that such corporation is a member of the combined group or the designated agent pays all audit deficiencies, the audit liabilities related to that corporation and the combined group will be proposed and processed on a combined return basis. In this instance, the designated agent will be treated as having corrected the combined return in accordance with Section 100.5210(b) of this Part.

2) If the designated agent of the combined group, or any corporation which did not join in the combined return, does not agree that such corporation is a member of the combined group prior to the issuance of a Notice of Deficiency, the audit liabilities for that corporation will nevertheless be proposed and processed on a combined return basis. Because each member of a combined group is jointly and severally liable for the tax liability of the entire group, if any Notices of Deficiency are issued:

- A) the Notices of Deficiency shall reflect the combined return income and liability of the entire combined group; and
 - B) a separate Notice of Deficiency will be issued to the designated agent and to each corporation which did not join in the filing of the combined return, but which the Department is asserting is a member of the combined group.
- Each Notice of Deficiency shall state that the designated agent shall represent each corporation whose membership in the combined group is in dispute unless such corporation requests the Department to be allowed to represent itself pursuant to Section 100.5220(f)(2) of this Part.

a) In general:--These definitions--and provisions apply to Regulation Sections 100.5200 through 100.5200.

b) Combined return:--The term "combined return" means a single tax return filed on behalf of corporate taxpayers that are members of the same unitary business group and that made the election provided in HRA Section 502(f).

c) Combined return year:--The term "combined return year" means a taxable year for which a combined return is filed or is required to be filed. Election:--The term "election" refers to the election provided in Section HRA--502(f) to be treated as one taxpayer.

e) Eligible Illinois taxpayer member:--The term "eligible Illinois taxpayer member" means a member of a unitary business group that is eligible to make the election and that has taxable presence in Illinois.

f) Combined group:--The members of a unitary business group making the election to be treated as one taxpayer pursuant to HRA--Section 502(f).

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- g) Unitary business group:--The term "unitary business group" shall have the same meaning as provided in HRA--Section 1501(a)(28).
- h) Notices to the Department:--Any notice to the Department required by these regulations shall be in writing and shall be mailed or delivered to the address stated in the instructions to the Schedule-BB for the taxable year.

(Source: Amended at 22 Ill. Reg. 13033, effective 01/01/1998)

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System
- 2) Code Citation: 80 Ill. Adm. Code 1650
- 3) Section Numbers: Adopted Action:
 1650.356 Added
 1650.391 Added
 1650.392 Added
- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code [26 U.S.C. 1 et seq.]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].
- 5) Effective Date of Amendments: October 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Department's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: July 17, 1998, 22 Ill. Reg. 12502
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Differences between proposal and final version: Various grammatical changes recommended by JCAR were made in the final version. In Section 1650.356, the original proposal did not define the phrase "a member who is employed on a full-time basis", whereas the final version includes a definition of this phrase in subsection (i)(3). In Sections 1650.391 and 1650.392, the original proposal provided an upgrade application deadline of September 15, 1998, whereas the final version provides a deadline of December 1, 1998. In Section 1650.392, the original proposal provided that an upgrade application for optional service could only be made after an optional service account was established, whereas the final version provides in subsection (a)(2) that the member's optional contribution balance need only be established by January 15 following the one year anniversary of the date of application for earned and credited service under 80 Ill. Adm. Code 1650.391.

- 12) Have all the changes agreed upon by the agency and JCAR been as indicated in the agreements issued by JCAR? Yes

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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- 13) Will these rules replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes
- Section Numbers Proposed Action Illinois Register Citation
 1650.357 Addition 22 Ill. Reg. 15548
 August 28, 1998
- 15) Summary and Purpose of Rules: These rules implement the 2.2 flat rate benefit formula upgrade option provided under recent legislation, Section 16-129.1 of the Illinois Pension Code [40 ILCS 5/16-129.1].
- 16) Information and questions regarding these adopted rules shall be directed to:
- Name: Cynthia Fain, Assistant General Counsel
 Address: Teachers' Retirement System
 2815 West Washington, P.O. Box 19253
 Springfield, Illinois 62794-9253
 Telephone: (217) 753-0375

The full text of the Adopted Rules begins on the next page:

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

NOTICE OF ADOPTED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF
THE STATE OF ILLINOIS

PART 1650

THE ADMINISTRATION AND OPERATION OF THE
TEACHERS' RETIREMENT SYSTEM

SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section
1650.10 Annual Financial Report (Repealed)

SUBPART B: BASIC RECORDS AND ACCOUNTS

Section
1650.110 Membership Records
1650.120 Claims Records (Repealed)
1650.130 Individual Accounts (Repealed)
1650.140 Ledger and Accounts Books (Repealed)
1650.150 Statistics (Repealed)
1650.160 Confidentiality of Records
1650.180 Filing and Payment Requirements
1650.181 Early Retirement Incentive Payment Requirements
1650.182 Waiver of Additional Amounts Due
1650.183 Definition of Employer's Normal Cost

SUBPART C: FILING OF CLAIMS

Section
1650.210 Claim Applications
1650.220 Reclassification of Disability Claim (Repealed)
1650.230 Medical Examinations and Investigations of Claims
1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment
1650.250 Death Benefits
1650.260 Evidence of Age
1650.270 Reversionary Annuity - Evidence of Dependency
1650.271 Evidence of Parentage
1650.272 Eligible Child Dependent By Reason of a Physical or Mental Disability
1650.280 Evidence of Marriage
1650.290 Offsets

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section
1650.310 Effective Date of Membership

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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1650.320 Method of Calculating Service Credits
1650.325 Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit
1650.330 Duplicate Service Credit
1650.340 Service Credit for Leaves of Absence
1650.341 Service Credit for Involuntary Layoffs
1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy
1650.346 Service Credit for Periods Away From Teaching Due to Adoption
1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement
1650.355 Purchase of Optional Service - Required Minimum Payment
1650.356 Payroll Deduction Program
1650.360 Settlement Agreements and Judgments
1650.370 Calculation of Average Salary (Renumbered)
1650.380 Definition of Actuarial Equivalent
1650.390 Independent Contractors
1650.391 Optional 2.2 Upgrade of Earned and Credited Service
1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade Application

SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section
1650.410 Refunds for Duplicate or Noncreditable Service
1650.420 Interest on Deficiencies (Repealed)
1650.430 Installment Payments (Repealed)
1650.440 Small Deficiencies, Credits or Death Benefit Payments
1650.450 Definition of Salary
1650.451 Reporting of Conditional Payments
1650.460 Calculation of Average Salary
1650.470 Rollover Distributions
1650.480 Rollovers to the System

SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section
1650.505 Beneficiary (Repealed)
1650.510 Re-entry Into Service
1650.520 Suspension of Benefits
1650.530 Power of Attorney
1650.540 Conservators/Guardians
1650.550 Presumption of Death
1650.560 Benefits Payable on Death
1650.570 Survivors' Benefits
1650.575 Full-time Student - Receipt of Survivors Benefits Until Age 22
1650.580 Evidence of Eligibility
1650.590 Comptroller Offset
1650.595 Overpayments

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

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SUBPART G: ATTORNEY GENERALS' OPINION

Section
1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

SUBPART H: ADMINISTRATIVE REVIEW

Section
1650.610 Staff Responsibility
1650.620 Right of Appeal
1650.630 Form of Written Request
1650.640 Prehearing Procedure
1650.650 Hearing Procedure
1650.660 Rules of Evidence

SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section
1650.710 Amendments

SUBPART J: RULES OF ORDER

Section
1650.810 Parliamentary Procedure

SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section
1650.910 Summary and Purpose
1650.920 Definitions
1650.930 Submission of Requests
1650.940 Form and Content of FOIA Requests
1650.950 Appeal of a Denial
1650.960 Executive Director's Response to Appeal
1650.970 Response to FOIA Requests
1650.980 Inspection of Records at System Office
1650.990 Copies of Public Records
1650.995 Materials Available Under Section 4 of FOIA

SUBPART L: BOARD ELECTION PROCEDURES

Section
1650.1000 Nomination of Candidates
1650.1010 Petitions
1650.1020 Eligible Voters
1650.1030 Election Materials
1650.1040 Marking of Ballots
1650.1050 Return of Ballots

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1650.1060 Observation of Ballot Counting
1650.1070 Certification of Ballot Counting
1650.1080 Challenges to Ballot Counting

SUBPART M: RETIREMENT BENEFITS

Section
1650.2900 Excess Benefit Arrangement

AUTHORITY: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 USC 1 et seq.); Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1958; emergency rules adopted at 2 Ill. Reg. 49, P. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, P. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; emergency amendment at 21 Ill. Reg. 483, effective January 1, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 2422, effective January 31, 1997; amended at 21 Ill. Reg. 4844, effective March 27, 1997; emergency amendment at 21 Ill. Reg. 17159, effective December 9, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 7243, effective April 9, 1998; emergency amendment at 22 Ill. Reg. 7314, effective April 9, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 9374, effective May 14, 1998, for a maximum of 150 days; emergency rule modified in response to JCAR Objection at 22 Ill. Reg. 11640; emergency amendment at 22 Ill. Reg. 13151, effective June 29, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 15620, effective August 8, 1998; amended at 22 Ill. Reg. 19079, effective ~~01-01-1998~~ 01-01-1998.

SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section 1650.356 Payroll Deduction Program

- a) Effective July 1, 1998, a member who is employed on a full-time basis may have his or her employer pick up optional contributions that the member has elected to pay the System through the payroll deduction program, and the contributions so picked up shall be treated as employer contributions for the purposes of determining federal income tax treatment [40 ILCS 5/16-152.1(d)].
- b) Prior to the member's election to have his or her employer pick up the

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member's optional contributions, the member shall first establish the member's eligibility to purchase optional service credit pursuant to Section 16-127 of the Pension Code [40 ILCS 5/16-127], to repay a refund pursuant to Section 16-151 of the Pension Code [40 ILCS 5/16-151], or to upgrade the benefit formula in accordance with Section 129.1 of the Pension Code [40 ILCS 5/16-129.1].

c) After establishing an optional contribution balance and electing to have optional contributions picked up on a before-tax basis, the member shall contact the System prior to the anticipated enrollment date and request that an irrevocable payroll deduction authorization be prepared and sent to the member.

d) To participate in the payroll deduction program, the member shall execute a *binding, irrevocable payroll deduction authorization* that is furnished to the member by the System [40 ILCS 5/16-152.1(d)].

1) In the agreement, the member shall confirm that he or she is employed by the employer on a full-time basis.

2) The amount of the optional contribution balance as of the enrollment date and the type(s) of optional service shall be indicated on the authorization form.

3) The amount to be deducted on a monthly basis shall be clearly indicated on the authorization form. The monthly deduction shall remain constant except for the final payment, which may be less than the stated amount. The minimum monthly deduction must equal the lesser of the amount owed or \$50. However, if the authorization is for an upgrade feature, the maximum term allowed for the payment of such type of service shall be 5 years.

4) The rate of interest shall equal the regular interest rate established in Section 16-112 of the Pension Code [40 ILCS 5/16-112] in effect on the enrollment date. However, no interest shall be charged to a member for that portion attributable to an upgrade contribution.

5) The enrollment date shall be determined as follows:

A) If the deductions will occur on a periodic basis for more than one month, the enrollment date shall be the first day of the calendar quarter after the execution of the payroll deduction authorization by the member and on behalf of the employer.

B) If the deductions will occur during only one calendar month, the enrollment date shall be the first day of the calendar month in which the deduction will be made after the execution of the payroll deduction authorization by the member and on behalf of the employer.

6) The execution and acceptance of the payroll deduction authorization must occur prior to the enrollment date.

7) The payroll deduction authorization shall be irrevocable upon the first day of the pay period in which the first deduction will be made. An irrevocable payroll deduction authorization may only be terminated in accordance with subsection (h) below.

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8) A member, who has a valid, irrevocable payroll deduction authorization in effect, shall be prohibited from making after-tax contributions or authorizing rollovers for the purpose of reducing his or her optional contribution balance.

9) A member may have a separate agreement for each type of optional service.

A) An agreement may cover more than one type of optional service.

B) A member shall have only one agreement with an employer for each type of optional service, unless additional optional service is based upon employment or other qualifying event occurring after the enrollment period for the previous authorization for the same type of optional service.

10) The authorization form may not be altered in any way or manner. Altered forms are void.

e) The member shall forward the executed payroll deduction authorization to the member's employer.

f) A duly-authorized representative of the employer shall execute the payroll deduction authorization on behalf of the employer prior to its enrollment date.

1) Prior to acceptance, the duly-authorized representative of the employer shall determine that:

A) the member is employed by the employer on a full-time basis; and

B) the irrevocable payroll deduction authorization does not contain any handwriting other than the signature of the member and the date upon which the member executed the authorization; and

C) the date on which the authorization is presented to the employer is prior to the enrollment date stated in the authorization.

2) Upon accepting the payroll deduction authorization, the duly-authorized representative of the employer shall:

A) retain the upper portion of the authorization for its records; and

B) sign the lower portion of the authorization and remit it to the Teachers' Retirement System at the address shown thereon prior to the first remittance.

3) The member's employer shall pick up the contributions from the same source of funds that is used to pay earnings to the member.

4) Prior to or on the 15th day of the month following the month in which the deduction is made, the employer shall:

A) remit to the System the payroll deduction by:

i) check, cashier's check, or money order, along with an approved RRS remittance advice form; or

ii) by electronic fund transfer; and

B) send the System a mechanically-produced paper report that includes:

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- i) each participating member's name, social security number, and the amount remitted on behalf of each member; and
- ii) the name and social security number of each member who was scheduled to have an amount remitted but who had a qualifying event that terminated the agreement or who had an event that suspended the agreement and the reason or reasons for such termination or suspension.
- 5) The employer shall withhold the amount stated in the irrevocable payroll deduction authorization until the balance for which the authorization was made is paid in full or until such time that a qualifying event occurs that terminates the authorization for a particular member. Prior to the month in which the last payment will be made, the System shall inform the employer and the member of the amount of the last payment as well as the month in which the last payment is to be made.
- 6) The employer shall not remit any periodic optional contributions on behalf of a member directly to the System without such contributions having been made through this payroll deduction program.
- g) A payroll deduction authorization shall be suspended (rather than terminated) if the member is not receiving a salary from the employer with whom the member made the authorization agreement for a period of time not to exceed one year and is promised renewed employment at the end of the period or has the right of re-employment pursuant to Section 24-12 of the School Code [105 ILCS 5/24-12]. At the end of the suspension period:
- i) if the member is not re-employed within one year after the beginning of the suspension period, the authorization shall be terminated in accordance with subsection (h) below; or
- 2) if the member is re-employed, the employer shall deduct the amount stated in the agreement until the balance is paid in full or a qualifying event occurs that would terminate the authorization.
- h) A payroll deduction authorization terminates:
- 1) upon the payment in full of the balance (including interest) for which the authorization was made; or
- 2) after the occurrence of a qualifying event.
- A) The term "qualifying event" is defined as:
- i) the death of the member; or
- ii) the disability of the member; or
- iii) the retirement of the member; or
- iv) the termination of the member's employment status.
- B) The phrase "disability of the member" is defined as the cessation of salary from the employer due to the inability of the member to perform the duties of his or her position for an expected period of one year or more.
- C) The phrase "termination of the member's employment status"

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is defined as:

- i) the change of the member's full-time employment status to a substitute status or a part-time status, but does not include the change from a full-time covered position to a full-time non-covered position with the same employer; or
- ii) the resignation or other termination of employment with the employer; or
- iii) a suspension period that is greater than one year.
- 3) Upon termination of a non-upgrade-related payroll deduction authorization prior to the balance being paid in full:
- A) the member may pay the remainder in full by an after-tax lump sum payment, by a rollover, or by executing a new payroll deduction authorization form with another employer; or
- B) if the member does not pay the remainder in full prior to retirement and:
- i) if the payment was for optional service credit, the portion of the optional service credit paid shall be credited to the member's account; or
- ii) if the payment was for a repayment of a refund, the amount contributed shall be refunded to the member.
- 4) Upon termination of an upgrade-related payroll deduction authorization prior to the balance being paid in full, the provisions of 80 Ill. Adm. Code 1650.391 and 1650.392 shall apply.
- i) For purposes of this Section:
- 1) The term "employer" shall mean the State of Illinois and any employer that is required or allowed to participate in the retirement program administered by the System.
- The phrase "type of optional service" shall mean:
- 2) A) the following types of optional service credit described in Section 16-127 of the Pension Code [40 ILCS 5/16-127]: prior service as a teacher, out-of-system service, military service, General Assembly service, leaves of absence (including pre-1983 pregnancy and adoption leaves), substitute teaching, and part-time teaching; and
- B) the repayment of a refund pursuant to Section 16-151 of the Pension Code [40 ILCS 5/16-151]; and
- C) the upgrade of established service pursuant to Section 16-129.1 of the Pension Code [40 ILCS 5/16-129.1]; and
- D) the upgrade of the following types of optional service credit described in Section 16-127 of the Pension Code [40 ILCS 5/16-127]: prior service as a teacher, out-of-system service, military service, General Assembly service, leaves of absence (including pre-1983 pregnancy and adoption leaves), substitute teaching, and part-time teaching; and
- E) the upgrade of the repayment of a refund pursuant to

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Sections 16-129.1 and 16-151 of the Pension Code [40 ILCS 5/16-129.1, 16-151].

- 3) The phrase "a member who is employed on a full-time basis" shall mean:

- A) a full-time teacher as defined in Section 16-106.1 of the Pension Code [40 ILCS 5/16-106.1]; or
- B) if not currently a teacher under the provisions of Section 16-106 of the Pension Code [40 ILCS 5/16-106], a member who is determined to be employed full-time in accordance with the rules and practices of such employer.

(Source: Added at 22 Ill. Reg. 19079, effective 007-01-1998)

1650.391 Optional 2.2 Upgrade of Earned and Credited Service

- a) Applying to upgrade.

- 1) Effective July 1, 1998, a member may apply to upgrade the graduated rate applicable to all of the member's years of service earned and credited before July 1, 1998, to the 2.2% flat rate described in subsection (a)(B)(1) of Section 16-133 of the Pension Code [40 ILCS 5/16-133] by making the optional contribution specified in subsection (b).
 - 2) A member may not elect to qualify for the upgraded rate for only a portion of his or her creditable service earned before July 1, 1998 [40 ILCS 5/16-129.1(a)].
 - 3) The member shall make application by completing a written upgrade application and sending it to the System.
 - 4) The effective period of the application shall begin as of the date on which the application is received by the System and shall end upon the expiration of a 60-month period commencing on the August 15 following the receipt of the application by the System or payment in full, whichever is first. However, in order to provide a reasonable transition period, if the member applies for the upgrade on or before December 1, 1998, the aforementioned 60-month period shall commence on August 15, 1998, and the optional contribution necessary for upgrade shall be calculated as of August 15, 1998.
 - 5) The application may only be terminated upon the member's death, at the end of the effective period, or upon the member's failure to make the full contribution in a timely fashion.
- b) Determining the optional contribution necessary for upgrade.
- 1) The optional contribution necessary for the upgrade shall be an amount equal to 1.0% of the member's highest salary rate in the 4 consecutive school years immediately prior to but not including the school year in which the application occurs, multiplied by the positive number of years of creditable service earned by the member before July 1, 1998, or 20, whichever is less. This

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contribution shall be reduced by 1.0% of that salary rate for every 3 full years of creditable service earned by the member after June 30, 1998. The contribution shall not in any event exceed 20% of that salary rate. [40 ILCS 5/16-129.1(b)]

- A) The "member's highest salary rate in the 4 consecutive school years immediately prior to but not including the school year in which the application occurs" shall be based upon the 4 most recent employer's annual reports, as amended, required to be filed in accordance with Section 16-155 of the Pension Code [40 ILCS 5/16-155].
 - B) When determining the optional contribution necessary for the upgrade, that part of a member's salary with the same employer that exceeds the annual full-time salary rate for the preceding year by more than 20% shall be excluded.
 - C) For a member who is not currently employed by a covered employer, the highest salary rate of the member in the last 4 school years in which service was rendered shall be used for the calculation.
 - D) If a member has less than one year of creditable service in any of the 4 consecutive school years immediately prior to but not including the school year in which the application occurs, and was a part-time non-contractual teacher or a substitute teacher in such year, the annualized salary rate for the school year shall be determined by dividing the creditable service fraction into the salary paid to the member during that school year.
 - E) The service credit given to a member at retirement pursuant to Section 16-127(b)(6) of the Pension Code [40 ILCS 5/16-127(b)(6)] shall be disregarded for the purpose of the calculation of the optional contribution necessary for the upgrade feature.
 - F) For purposes of this Section, optional creditable service established by a member shall be deemed to have been earned at the time of employment or other qualifying event upon which the service is based, rather than at the time the credit was established in this System [40 ILCS 5/16-129.1(d)].
- 2) The contribution calculated in accordance with this subsection (b) shall be paid in full by one or more of the following methods:
- A) a single lump sum to be paid prior to the end of the effective period of the application or prior to retirement, whichever is earlier, through an after-tax contribution, through the payroll deduction program, or through a rollover (see 80 Ill. Adm. Code 1650.480); or
 - B) a periodic payment in substantially equal installments over a period of time not to exceed 60 months, as a deduction pursuant to an irrevocable payroll deduction authorization

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described in 80 Ill. Adm. Code 1650.356, the last deduction for which shall be prior to the end of the effective period of the application or prior to retirement, whichever is earlier; or

- C) if the member becomes an annuitant before June 30, 2003, a periodic payment in substantially equal monthly installments over a 24-month period, by a deduction from the annuitant's monthly benefit commencing at retirement. The last deduction must be prior to the end of the effective period of the application.

- 3) If a combination of methods is chosen by the member:

- A) the total period in which the member's payments are made shall not exceed the effective period of the application; and

- B) the lump sum payment may not be made by the member during the effective period of a payroll deduction authorization.

- c) Failing to make contribution.

- 1) A member has failed to make the full contribution in a timely fashion:

- A) if the full contribution is not paid within the effective period of the application; or
- B) upon termination of employment as a teacher for any cause other than death or retirement, if the member requests in writing that the application be terminated at least 4 months after ceasing to teach.

- 2) If the member has failed to make the full contribution in a timely fashion, the application shall be terminated and shall be no longer in effect.

- 3) If the member has failed to make the full contribution in a timely fashion, the payments made under this Section shall be refunded to the member, without interest [40 ILCS 5/16-129.1]. However, if the member is able to reapply, and does reapply, for the 2.2 upgrade feature prior to the refund being made, the amount of the refund shall be used as a partial lump sum contribution towards the cost of the 2.2 upgrade feature.

- 4) If the member dies before making the full contribution, the payments under this Section, together with regular interest thereon, shall be refunded to the member's designated beneficiary for benefits under Section 16-138 of the Pension Code [40 ILCS 5/16-129.1].

- d) A member shall not be able to reapply for the 2.2 upgrade feature during such time that an application is in effect.

- e) The amount due under this Section shall be recalculated at retirement if 3 or more years of post-June 30, 1998, service has been credited to the member's record subsequent to the member's upgrade application.

(Source: Added at 22 Ill. Reg. 19079, effective 06/01/1998)

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Section 1650.392 2.2 Upgrade of Optional Service Not Credited at Initial Upgrade Application

- a) This Section shall apply only to a member who has elected to upgrade the graduated rate applicable to all of the member's years of service earned and credited before July 1, 1998, pursuant to Section 16-129.1 of the Pension Code [40 ILCS 5/16-129.1] and 80 Ill. Adm. Code 1650.391 and who has less than 20 years of service earned and credited before July 1, 1998.

- 1) The member shall make application by completing a written upgrade application and sending it to the System.

- 2) The application for the upgrade may occur at any time after the optional contribution balance has been established for the underlying optional service. However, if the member has an optional contribution balance on, or establishes an optional contribution balance prior to the January 15 following the one year anniversary of, the date of application for earned and credited service under 80 Ill. Adm. Code 1650.391, the date of application for such optional contribution balance shall be the date of application for earned and credited service under 80 Ill. Adm. Code 1650.391.

- 3) The effective period of the application shall begin as of the date on which the application is received by the System and shall end upon the expiration of a 60-month period commencing on the August 15 following the receipt of the application by the System or payment in full, whichever is first. However, in order to provide a reasonable transition period, if the member applies for the upgrade on or before December 1, 1998, the aforementioned 60-month period shall commence on August 15, 1998, and the optional contribution necessary for upgrade shall be calculated as of August 15, 1998.

- 4) The application may only be terminated upon the member's death, at the end of the effective period, or upon the member's failure to make the full contribution in a timely fashion.

- b) A member subject to this Section shall be required to pay an upgrade charge for any optional service credited to the member's service on or after July 1, 1998, if the time of employment or other qualifying event upon which the service is based is prior to July 1, 1998.

- 1) The upgrade charge shall only apply to the number of years of optional service being credited, which is equal to the lesser of:

- A) the number of years being upgraded; or
- B) the remainder of the following formula: 20 minus the number of years of creditable service earned and credited before July 1, 1998, which are being or were previously upgraded pursuant to 80 Ill. Adm. Code 1650.391 or pursuant to this Section minus one year for every 3 full years of creditable service earned and credited after June 30, 1998, which were not used in previous calculations under this subsection (b).

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- 2) The optional contribution necessary for the upgrade under this Section shall be an amount equal to 1.0% of the member's highest salary rate in the 4 consecutive school years immediately prior to but not including the school year in which the application occurs, multiplied by the number of years of service determined in accordance with subsection (b)(1).
- A) The "member's highest salary rate in the 4 consecutive school years immediately prior to but not including the school year in which the application occurs" shall be based upon the 4 most recent employer's annual reports, as amended, required to be filed in accordance with Section 16-155 of the Pension Code [40 ILCS 5/16-155].
- B) When determining the optional contribution necessary for the upgrade, that part of a member's salary with the same employer that exceeds the annual full-time salary rate for the preceding year by more than 20% shall be excluded.
- C) For a member who is not currently employed by a covered employer, the highest salary rate of the member in the last 4 school years in which service was rendered shall be used for the calculation.
- D) If a member has less than one year of creditable service in any of the 4 consecutive school years immediately prior to but not including the school year in which the application occurs and was a part-time non-contractual teacher or a substitute teacher in such year, the annualized salary rate for the school year shall be determined by dividing the creditable service fraction into the salary paid to the member during that school year.
- E) The service credit given to a member at retirement pursuant to Section 16-127(b)(6) of the Pension Code [40 ILCS 5/16-127(b)(6)] shall be disregarded for the purpose of the calculation of the optional contribution necessary for the upgrade feature.
- F) For purposes of this Section, optional creditable service established by a member shall be deemed to have been earned at the time of employment or other qualifying event upon which the service is based, rather than at the time the credit was established in this System [40 ILCS 5/16-129.1(d)].
- 3) The contribution calculated in accordance with this subsection (b) shall be paid in full by one or more of the following methods:
- A) a single lump sum to be paid prior to the end of the effective period of the application or prior to retirement, whichever is earlier, through an after-tax contribution, through the payroll deduction program, or through a rollover (see 80 Ill. Adm. Code 1650.480); or
- B) a periodic payment in substantially equal installments over

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- a period of time not to exceed 60 months, as a deduction pursuant to an irrevocable payroll deduction authorization described in 80 Ill. Adm. Code 1650.356, the last deduction for which shall be prior to the end of the effective period of the application or prior to retirement, whichever is earlier; or
- C) if the member becomes an annuitant before June 30, 2003, a periodic payment in substantially equal monthly installments over a 24-month period, by a deduction from the annuitant's monthly benefit commencing at retirement. The last deduction must be prior to the end of the effective period of the application.
- 4) If a combination of methods is chosen by the member:
- A) the total period in which the member's payments are made shall not exceed the effective period of the application; and
- B) the lump sum payment may not be made by the member during the effective period of a payroll deduction authorization.
- c) Failing to make contribution.
- 1) A member has failed to make the full contribution in a timely fashion:
- A) if the full contribution is not paid within the effective period; or
- B) upon termination of employment as a teacher for any cause other than death or retirement, if the member requests in writing that the application be terminated at least 4 months after ceasing to teach.
- 2) If the member has failed to make the full contribution in a timely fashion, the application shall be terminated and shall be no longer in effect.
- 3) If the member fails to make the full contribution within the appropriate time period described in subsection (c)(1), and:
- A) if the payment is for the repayment of a refund, the amount contributed for both the refund and upgrade shall be refunded to the member, without interest; or
- B) if the payment is for optional service other than a refund, and:
- i) if the member has made the full upgrade contribution for the years of service earned and credited prior to July 1, 1998, pursuant to 80 Ill. Adm. Code 1650.391, the portion of the upgraded optional service credit determined by the System to have been paid shall be credited to the member's account; or
- ii) if the member fails to make the full contribution for the years of service earned and credited prior to July 1, 1998, pursuant to 80 Ill. Adm. Code 1650.391, the payments made for the upgrade shall be refunded to the member, without interest.

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C) However, if the reason for the failure is the death of the member:

- i) if the member has made the full upgrade contribution for the years of service earned and credited prior to July 1, 1998, pursuant to 80 Ill. Adm. Code 1650.391, the portion of the upgraded optional service credit determined by the System to have been paid shall be credited to the member's account; or
- ii) if the member fails to make the full contribution for the years of service earned and credited prior to July 1, 1998, pursuant to 80 Ill. Adm. Code 1650.391 or if the payment is for a refund, the payments made for the upgrade, together with regular interest thereon, shall be refunded to the member's designated beneficiary for benefits under Section 16-138 of the Pension Code [40 ILCS 5/16-129.1].

D) The date of application for the purpose of determining the amount of optional service credit paid shall be deemed to be:

- i) if pursuant to subsection (c)(3)(B)(i) above, the date upon which the failure to contribute in a timely fashion occurred; or
 - ii) if pursuant to subsection (c)(3)(C)(i) above: the date of the application which terminated upon the member's death if the member had applied for the upgrade prior to his or her death; or the date of death if the member had not previously applied for the upgrade.
- A member shall not be able to reapply for the 2.2 upgrade feature during such time that an application is in effect for the same type of optional service.
- The amount due under this Section shall be recalculated at retirement if 3 or more years of post-June 30, 1998, service has been credited to the member's record subsequent to the member's upgrade.

(Source: Added at 22 Ill. Reg. 19070, effective
~~CGI 01 1998~~)

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS
OF HIGHER EDUCATION AND BOARDS OF TRUSTEES OF
ILLINOIS PUBLIC UNIVERSITIES

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Procurement Rules of the Chief Procurement Officer for Public Institutions of Higher Education and the Illinois Public Universities
- 2) Code Citation: 44 Ill. Adm. Code 526
- 3) Section Numbers: 526.2020
Emergency Action:
Amended
- 4) Statutory Authority: Public Act 90-572 [30 ILCS 500] with particular reference to Section 20-20 [30 ILCS 500/20-20]
- 5) Effective Date of Emergency: October 1, 1998
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it expires: This modification of Section 526.2020 of the emergency rules that were published on July 24, 1998 at 22 Ill. Reg. 13905, effective July 1, 1998, for a maximum of 150 days, will expire on the same date as the emergency rules, November 27, 1998.
- 7) A copy of the emergency rulemaking with its modification is on file at the Chief Procurement Officer's office.
- 8) Reason for Emergency: Pursuant to its authority under Section 20-20 of Public Act 90-572, the Procurement Policy Board proposed this modification to the Chief Procurement Officer on September 17, 1998. It raises the small purchase limit for individual purchases of supplies or services other than professional and artistic services from \$10,000 to \$25,000. The modification is being promulgated by the Chief Procurement Officer for Higher Education pursuant to his authority under Section 20-20 as an emergency rule because the modification will result in substantial cost savings to the Public Universities and should be put into effect at the earliest possible date in the public interest. Notice of the modification will be published in the Higher Education Electronic Bulletin.
- 9) A Complete Description of the Subjects and Issues Involved: The emergency rules (including this modification) implement Public Act 90-572 by providing for a new system for the procurement of supplies and services by the Public Universities.
- 10) Are there any proposed amendments to this Part Pending? Yes. The proposed rules were published on June 19, 1998 at 22 Ill. Reg. 10719.
- 11) Statement of Statewide Policy Objective: The emergency rules (including this modification) neither create nor expand any State mandate for units

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of local government, school districts, or community college districts.

12) Information and questions regarding this rule shall be directed to:

Mr. Robert C. Baker
University of Illinois at Urbana-Champaign
506 S. Wright St., Rm. 207
Urbana IL 61801
PH: 217-333-3582
FAX: 217-244-7879
e-mail: rbaker@uiuc.edu

The full text of this Emergency Amendment begins on the next page:

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS
OF HIGHER EDUCATION AND BOARDS OF TRUSTEES OF
ILLINOIS PUBLIC UNIVERSITIES

NOTICE OF EMERGENCY AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS AND PROPERTY MANAGEMENT

SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES

CHAPTER II: CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER
EDUCATION AND BOARDS OF TRUSTEES OF ILLINOIS PUBLIC UNIVERSITIES

PART 526

PROCUREMENT RULES OF THE CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF
HIGHER EDUCATION AND THE ILLINOIS PUBLIC UNIVERSITIES

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SUBPART P: ETHICS

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SUBPART S: GOVERNMENTAL JOINT PURCHASING

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526.6500 General
EMERGENCY
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SUBPART T: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

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526.7000 Severability
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EMERGENCY
526.7015 Inspections

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EMERGENCY

526.7020 Record Retention

EMERGENCY

526.7030 No Waiver of Sovereign Immunity

EMERGENCY

AUTHORITY: The Illinois Procurement Code [30 ILCS 500].

SOURCE: Filed June 10, 1975; amended at 7 Ill. Reg. 7100, effective June 1, 1983; codified as Part 525 at 8 Ill. Reg. 19827; amended at 13 Ill. Reg. 16510, effective October 10, 1989; amended at 21 Ill. Reg. 9413, effective July 15, 1997; Part 525 repealed by emergency rule at 22 Ill. Reg. 14941, effective July 28, 1998; new Part 526 adopted by emergency rule at 22 Ill. Reg. 13905, effective July 1, 1998; amended by emergency rulemaking at 22 Ill. Reg. 19096, effective October 1, 1998, for a period to expire November 27, 1998.

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION

Section 526.2020 Small Purchases

EMERGENCY

a) Application

- 1) Individual procurements of \$25,000 ~~\$10,000~~ or less for supplies or services (including printing), other than professional and artistic, and \$30,000 or less for construction, may be made using the method of source selection determined by the SPO to be most appropriate to the circumstances.
- 2) Procurements of less than \$20,000 for professional and artistic services and that have a non-renewable term of one year or less may be made using the method of source selection determined by the SPO to be most appropriate to the circumstances.
- 3) The CPO shall announce any change identified by the United States Department of Labor in the Consumer Price Index for All Urban Consumers for the period ending December 31, 1998, and for each year thereafter. That percentage change shall be used to calculate the small purchase maximums that shall be applicable for the fiscal year beginning July 1, 1999. The small purchase maximums shall be likewise recalculated for each July 1 thereafter.
- b) In determining whether a contract is under the limit, the stated value of the supplies or services, plus any optional supplies and services, determined in good faith, shall be utilized. Where the value is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.
- c) If only a unit price or hourly rate is known, the contract shall be

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considered small if it has a not-to-exceed limit applicable to the type of procurement (see subsection (a) above).

- d) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 of the Illinois Procurement Code.
- e) If there is a repetitive need for small procurements of the same type, the University should consider issuing a competitive sealed bid or proposal for procurement of those needs.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 19096, effective October 1, 1998, for a period to expire November 27, 1998)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

- 1) Heading of the Part: Pay Plan
- 2) Code Citation: 80 Ill. Adm. Code 310
- 3) Section Number: Peremptory Action:
 310.Appendix A, Table H Amended
 310.Appendix A, Table I Amended
 310.Appendix A, Table L Amended
 310.Appendix A, Table V Amended
- 4) Reference to the specific State or Federal Court Order, Federal Rule or Statute which requires this Peremptory Rulemaking: Section 1-5(d) of the Illinois Administrative Procedure Act [5 ILCS 100/1-5(d)]
- 5) Statutory Authority: Authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a.]
- 6) Effective Date: September 30, 1998
- 7) A Complete Description of the Subjects and Issues Involved:
 In Section 310.Table H RC-006 (Corrections Employees, AFSCME), the abolished Corrections Clerk I and II titles are being deleted, effective September 1, 1998. The abolished Commissary Clerk and Commissary Manager I titles are being deleted, effective September 23, 1998.
 In Section 310.Table I RC-009 (Institutional Employees, AFSCME), the abolished Commissary Clerk and Support Services Worker II titles are being replaced by the Support Service Worker. The abolished Commissary Manager I and Support Services Worker III titles are being replaced by the Support Service Lead. And, the abolished Commissary Manager II and Support Service Supervisor I titles are being replaced by the Support Service Coordinator I. These classification changes are effective September 23, 1998.
 In Section 310.Table V CU-500 (Corrections Meet and Confer Employees), the abolished Commissary Manager II title is being deleted, effective September 23, 1998. The abolished Commissary Clerk, Commissary Manager I and II titles are being replaced by other progressive titles only in the RC-009 Collective Bargaining Unit.
 In Section 310.Table L RC-008 (Boilermakers), the monthly salary range for the Boiler Safety Specialist is being increased to \$3,984.60 - 5,145.18, effective September 1, 1998.
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Date Filed in Agency's Principal Office: September 30, 1998

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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- 10) Is this Rule in compliance with Section 5-50 of the Illinois Administrative Procedure Act? Yes
- 11) Are there any proposed amendments pending to this part? Yes
- | Section Numbers | Proposed Action | Ill. Reg. Citation |
|-----------------|-----------------|--------------------|
| 310.110 | Amended | 22 Ill. Reg. 12422 |
| 310.130 | Amended | 22 Ill. Reg. 12422 |
| 310.290 | Amended | 22 Ill. Reg. 12422 |
| 310.450 | Amended | 22 Ill. Reg. 12422 |
| 310.495 | Amended | 22 Ill. Reg. 12422 |
| 310.530 | Amended | 22 Ill. Reg. 12422 |
| 310.540 | Amended | 22 Ill. Reg. 12422 |
| 310.Appendix B | Amended | 22 Ill. Reg. 12422 |
| 310.Appendix C | Amended | 22 Ill. Reg. 12422 |
| 310.Appendix D | Amended | 22 Ill. Reg. 12422 |
| 310.Appendix G | Amended | 22 Ill. Reg. 12422 |
| 310.230 | Amended | 22 Ill. Reg. 16397 |
| 310.270 | Amended | 22 Ill. Reg. 16397 |
| 310.280 | Amended | 22 Ill. Reg. 16397 |
| 310.Appendix G | Amended | 22 Ill. Reg. 16397 |
- 12) Statement of Statewide Objectives: This amendment to the Pay Plan pertains only to State employees subject to the Personnel Code and does not set out any guidelines that are to be followed by local or other jurisdictional bodies within the State.
- 13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed to:
 Mr. Michael Murphy
 Department of Central Management Services
 Division of Technical Services
 504 William G. Stratton Building
 Springfield, Illinois 62706
 (217) 782-5601
- The full text of the Peremptory Amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES
SUBTITLE B: PERSONNEL RULES, PAY PLANS, AND
POSITION CLASSIFICATIONS

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 310
PAY PLAN

SUBPART A: NARRATIVE

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310.20	Policy and Responsibilities
310.30	Jurisdiction
310.40	Pay Schedules
310.50	Definitions
310.60	Conversion of Base Salary to Pay Period Units
310.70	Conversion of Base Salary to Daily or Hourly Equivalents
310.80	Increases in Pay
310.90	Decreases in Pay
310.100	Other Pay Provisions
310.110	Implementation of Pay Plan Changes for Fiscal Year 1998
310.120	Interpretation and Application of Pay Plan
310.130	Effective Date
310.140	Reinstitution of Within Grade Salary Increases (Repealed)
310.150	Fiscal Year 1985 Pay Changes in Schedule of Salary Grades, Effective July 1, 1984 (Repealed)

SUBPART B: SCHEDULE OF RATES

Section	
310.205	Introduction
310.210	Prevailing Rate
310.220	Negotiated Rate
310.230	Part-Time Daily or Hourly Special Services Rate
310.240	Hourly Rate
310.250	Member, Patient and Inmate Rate
310.260	Trainee Rate
310.270	Legislated and Contracted Rate
310.280	Designated Rate
310.290	Out-of-State or Foreign Service Rate
310.300	Educator Schedule for RC-063 and HR-010
310.310	Physician Specialist Rate
310.320	Annual Compensation Ranges for Executive Director and Assistant Executive Director, State Board of Elections
	Excluded Classes Rate (Repealed)

SUBPART C: MERIT COMPENSATION SYSTEM

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

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Section	
310.410	Jurisdiction
310.420	Objectives
310.430	Responsibilities
310.440	Merit Compensation Salary Schedule
310.450	Procedures for Determining Annual Merit Increases
310.455	Intermittent Merit Increase
310.456	Merit Zone (Repealed)
310.460	Other Pay Increases
310.470	Adjustment
310.480	Decreases in Pay
310.490	Other Pay Provisions
310.495	Broad-Band Pay Range Classes
310.500	Definitions
310.510	Conversion of Base Salary to Pay Period Units
310.520	Conversion of Base Salary to Daily or Hourly Equivalents
310.530	Implementation
310.540	Annual Merit Increase Guidechart for Fiscal Year 1998
310.550	Fiscal Year 1985 Pay Changes in Merit Compensation System, effective July 1, 1984 (Repealed)

APPENDIX A Negotiated Rates of Pay

TABLE A	HR-190 (Department of Central Management Services - State of Illinois Building - SEIU)
TABLE AA	NR-916 (Department of Natural Resources, Teamsters)
TABLE B	HR-200 (Department of Labor - Chicago, Illinois - SEIU)
TABLE C	RC-069 (Firefighters, AFSCME) (Repealed)
TABLE D	HR-001 (Teamsters Local #726)
TABLE E	RC-020 (Teamsters Local #330)
TABLE F	RC-019 (Teamsters Local #25)
TABLE G	RC-045 (Automotive Mechanics, IFPE)
TABLE H	RC-006 (Corrections Employees, AFSCME)
TABLE I	RC-009 (Institutional Employees, AFSCME)
TABLE J	RC-014 (Clerical Employees, AFSCME)
TABLE K	RC-023 (Registered Nurses, INA)
TABLE L	RC-008 (Boilermakers)
TABLE M	RC-110 (Conservation Police Lodge)
TABLE N	RC-010 (Professional Legal Unit, AFSCME)
TABLE O	RC-028 (Paraprofessional Human Services Employees, AFSCME)
TABLE P	RC-029 (Paraprofessional Investigatory and Law Enforcement Employees, IFPE)
TABLE Q	RC-033 (Meat Inspectors, IFPE)
TABLE R	RC-042 (Residual Maintenance Workers, AFSCME)
TABLE S	HR-012 (Fair Employment Practices Employees, SEIU)
TABLE T	HR-010 (Teachers of Deaf, IFT)
TABLE U	HR-010 (Teachers of Deaf, Extracurricular Paid Activities)
TABLE V	CU-500 (Corrections, Meet and Confer Employees)
TABLE W	RC-062 (Technical Employees, AFSCME)

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TABLE X	RC-063 (Professional Employees, AFSCME)
TABLE Y	RC-063 (Educators, AFSCME)
TABLE Z	RC-063 (Physicians, AFSCME)
APPENDIX B	Schedule of Salary Grades - Monthly Rates of Pay for Fiscal Year 1998
APPENDIX C	Medical Administrator Rates for Fiscal Year 1998
APPENDIX D	Merit Compensation System Salary Schedule for Fiscal Year 1998
APPENDIX E	Teaching Salary Schedule (Repealed)
APPENDIX F	Physician and Physician Specialist Salary Schedule (Repealed)
APPENDIX G	Broad-Band Pay Range Classes Salary Schedule for Fiscal Year 1998

AUTHORITY: Implementing and authorized by Sections 8 and 8a of the Personnel Code [20 ILCS 415/8 and 8a].

SOURCE: Filed June 28, 1967; codified at 8 Ill. Reg. 1558; emergency amendment at 8 Ill. Reg. 1990, effective January 31, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 2440, effective February 15, 1984; emergency amendment at 8 Ill. Reg. 3348, effective March 5, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 4249, effective March 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 5704, effective April 16, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 7290, effective May 11, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 11299, effective June 25, 1984; emergency amendment at 8 Ill. Reg. 12616, effective July 1, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 15007, effective August 6, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 15367, effective August 13, 1984; emergency amendment at 8 Ill. Reg. 21310, effective October 10, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21544, effective October 24, 1984; amended at 8 Ill. Reg. 22844, effective November 14, 1984; emergency amendment at 9 Ill. Reg. 1134, effective January 16, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 1320, effective January 23, 1985; amended at 9 Ill. Reg. 3681, effective March 12, 1985; emergency amendment at 9 Ill. Reg. 4163, effective March 15, 1985, for a maximum of 150 days; emergency amendment at 9 Ill. Reg. 9231, effective May 31, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9420, effective June 7, 1985; amended at 9 Ill. Reg. 10663, effective July 1, 1985; emergency amendment at 9 Ill. Reg. 15043, effective September 24, 1985, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 3325, effective January 22, 1986; amended at 10 Ill. Reg. 3230, effective January 24, 1986; emergency amendment at 10 Ill. Reg. 8904, effective May 13, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 8928, effective May 13, 1986; emergency amendment at 10 Ill. Reg. 12090, effective June 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 13675, effective July 31, 1986; peremptory amendment at 10 Ill. Reg. 14867, effective August 26, 1986; amended at 10 Ill. Reg. 15567, effective September 17, 1986; emergency amendment at 10 Ill. Reg. 17765, effective September 30, 1986, for a maximum of 150 days; peremptory amendment at 10 Ill. Reg. 19132, effective October 28, 1986; peremptory amendment at 10 Ill. Reg. 21097, effective December 9, 1986; amended at 11 Ill.

Reg. 648, effective December 22, 1986; peremptory amendment at 11 Ill. Reg. 3363, effective February 3, 1987; peremptory amendment at 11 Ill. Reg. 4388, effective February 27, 1987; peremptory amendment at 11 Ill. Reg. 6291, effective March 23, 1987; amended at 11 Ill. Reg. 5901, effective March 24, 1987; emergency amendment at 11 Ill. Reg. 8787, effective April 15, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 11830, effective July 1, 1987, for a maximum of 150 days; peremptory amendment at 11 Ill. Reg. 13675, effective July 29, 1987; amended at 11 Ill. Reg. 14984, effective August 27, 1987; peremptory amendment at 11 Ill. Reg. 15273, effective September 1, 1987; peremptory amendment 11 Ill. Reg. 17919, effective October 19, 1987; peremptory amendment at 11 Ill. Reg. 19812, effective November 19, 1987; emergency amendment at 11 Ill. Reg. 20664, effective December 4, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20778, effective December 11, 1987; peremptory amendment at 12 Ill. Reg. 3811, effective January 27, 1988; peremptory amendment at 12 Ill. Reg. 5459, effective March 3, 1988; amended at 12 Ill. Reg. 6073, effective March 21, 1988; peremptory amendment at 12 Ill. Reg. 7783, effective April 14, 1988; emergency amendment at 12 Ill. Reg. 7734, effective April 15, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 8135, effective April 22, 1988; peremptory amendment at 12 Ill. Reg. 9745, effective May 23, 1988; emergency amendment at 12 Ill. Reg. 11778, effective July 1, 1988, for a maximum of 150 days; emergency amendment at 12 Ill. Reg. 12895, effective July 18, 1988, for a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 13306, effective July 27, 1988; corrected at 12 Ill. Reg. 13359; amended at 12 Ill. Reg. 14630, effective September 6, 1988; amended at 12 Ill. Reg. 20449, effective November 28, 1988; peremptory amendment at 12 Ill. Reg. 20584, effective November 28, 1988; peremptory amendment at 13 Ill. Reg. 8080, effective May 10, 1989; amended at 13 Ill. Reg. 8849, effective May 30, 1989; peremptory amendment at 13 Ill. Reg. 8970, effective May 26, 1989; emergency amendment at 13 Ill. Reg. 10967, effective June 20, 1989, for a maximum of 150 days; emergency amendment expired on November 17, 1989; amended at 13 Ill. Reg. 11451, effective June 28, 1989; emergency amendment at 13 Ill. Reg. 11854, effective July 1, 1989, for a maximum of 150 days; corrected at 13 Ill. Reg. 12647; peremptory amendment at 13 Ill. Reg. 12887, effective July 24, 1989; amended at 13 Ill. Reg. 16950, effective October 20, 1989; amended at 13 Ill. Reg. 19221, effective December 12, 1989; amended at 14 Ill. Reg. 615, effective January 2, 1990; peremptory amendment at 14 Ill. Reg. 1627, effective January 11, 1990; amended at 14 Ill. Reg. 4455, effective March 12, 1990; peremptory amendment at 14 Ill. Reg. 7652, effective May 7, 1990; amended at 14 Ill. Reg. 10002, effective June 11, 1990; emergency amendment at 14 Ill. Reg. 11330, effective June 29, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14361, effective August 24, 1990; emergency amendment at 14 Ill. Reg. 15570, effective September 11, 1990, for a maximum of 150 days; emergency amendment expired on February 8, 1991; corrected at 14 Ill. Reg. 16092; peremptory amendment at 14 Ill. Reg. 17098, effective September 26, 1990; amended at 14 Ill. Reg. 17189, effective October 2, 1990; amended at 14 Ill. Reg. 17189, effective October 19, 1990; amended at 14 Ill. Reg. 18719, effective November 13, 1990; peremptory amendment at 14 Ill. Reg. 18854, effective November 13, 1990; peremptory amendment at 15 Ill. Reg. 663,

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effective January 7, 1991; amended at 15 Ill. Reg. 3296, effective February 14, 1991; amended at 15 Ill. Reg. 4401, effective March 11, 1991; peremptory amendment at 15 Ill. Reg. 5100, effective March 20, 1991; peremptory amendment at 15 Ill. Reg. 5485, effective April 2, 1991; emergency amendment at 15 Ill. Reg. 10485, effective July 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 11080, effective July 19, 1991; amended at 15 Ill. Reg. 13080, effective August 21, 1991; amended at 15 Ill. Reg. 14210, effective September 23, 1991; emergency amendment at 16 Ill. Reg. 711, effective December 26, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3450, effective February 20, 1992; peremptory amendment at 16 Ill. Reg. 5068, effective March 11, 1992; peremptory amendment at 16 Ill. Reg. 7056, effective April 20, 1992; emergency amendment at 16 Ill. Reg. 8239, effective May 19, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 8382, effective May 26, 1992; emergency amendment at 16 Ill. Reg. 13950, effective August 19, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14452, effective September 4, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 238, effective December 23, 1992; peremptory amendment at 17 Ill. Reg. 498, effective December 18, 1992; amended at 17 Ill. Reg. 590, effective January 4, 1993; amended at 17 Ill. Reg. 1819, effective February 2, 1993; amended at 17 Ill. Reg. 6441, effective April 8, 1993; emergency amendment at 17 Ill. Reg. 12900, effective July 22, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13409, effective July 29, 1993; emergency amendment at 17 Ill. Reg. 13789, effective August 9, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 14666, effective August 26, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 19103, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 21858, effective December 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 22514, effective December 15, 1993; amended at 18 Ill. Reg. 227, effective December 17, 1993; amended at 18 Ill. Reg. 1107, effective January 18, 1994; amended at 18 Ill. Reg. 5146, effective March 21, 1994; peremptory amendment at 18 Ill. Reg. 9562, effective June 13, 1994; emergency amendment at 18 Ill. Reg. 11299, effective July 1, 1994, for a maximum of 150 days; peremptory amendment at 18 Ill. Reg. 13476, effective August 17, 1994; emergency amendment at 18 Ill. Reg. 14417, effective September 9, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16545, effective October 31, 1994; peremptory amendment at 18 Ill. Reg. 16708, effective October 28, 1994; amended at 18 Ill. Reg. 17191, effective November 21, 1994; amended at 19 Ill. Reg. 1024, effective January 24, 1995; peremptory amendment at 19 Ill. Reg. 2481, effective February 17, 1995; peremptory amendment at 19 Ill. Reg. 3073, effective February 17, 1995; amended at 19 Ill. Reg. 3456, effective March 7, 1995; peremptory amendment at 19 Ill. Reg. 5145, effective March 14, 1995; amended at 19 Ill. Reg. 6452, effective May 2, 1995; peremptory amendment at 19 Ill. Reg. 6688, effective May 1, 1995; amended at 19 Ill. Reg. 7841, effective June 1, 1995; amended at 19 Ill. Reg. 8156, effective June 12, 1995; amended at 19 Ill. Reg. 9096, effective June 27, 1995; emergency amendment at 19 Ill. Reg. 11954, effective August 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13979, effective September 19, 1995; peremptory amendment at 19 Ill. Reg. 15103, effective October 12, 1995; amended at 19 Ill. Reg. 16160, effective November 28, 1995; amended at 20 Ill. Reg. 308, effective December

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

22, 1995; emergency amendment at 20 Ill. Reg. 4060, effective February 27, 1996, for a maximum of 150 days; peremptory amendment at 20 Ill. Reg. 6334, effective April 22, 1996; peremptory amendment at 20 Ill. Reg. 7434, effective May 14, 1996; amended at 20 Ill. Reg. 8301, effective June 11, 1996; amended at 20 Ill. Reg. 8657, effective June 20, 1996; amended at 20 Ill. Reg. 9006, effective June 26, 1996; amended at 20 Ill. Reg. 9925, effective July 10, 1996; emergency amendment at 20 Ill. Reg. 10213, effective July 15, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10841, effective August 5, 1996; peremptory amendment at 20 Ill. Reg. 13408, effective September 24, 1996; amended at 20 Ill. Reg. 15018, effective November 7, 1996; peremptory amendment at 20 Ill. Reg. 15092, effective November 7, 1996; emergency amendment at 21 Ill. Reg. 1023, effective January 6, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 1629, effective January 22, 1997; amended at 21 Ill. Reg. 5144, effective April 15, 1997; amended at 21 Ill. Reg. 6444, effective May 15, 1997; amended at 21 Ill. Reg. 7118, effective June 3, 1997; emergency amendment at 21 Ill. Reg. 10061, effective July 21, 1997, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 12859, effective September 8, 1997, for a maximum of 150 days; peremptory amendment at 21 Ill. Reg. 14267, effective October 14, 1997; peremptory amendment at 21 Ill. Reg. 14589, effective October 15, 1997; peremptory amendment at 21 Ill. Reg. 15030, effective November 10, 1997; amended at 21 Ill. Reg. 16344, effective December 9, 1997; peremptory amendment at 21 Ill. Reg. 16465, effective December 4, 1997; peremptory amendment at 21 Ill. Reg. 17167, effective December 9, 1997; peremptory amendment at 22 Ill. Reg. 1593, effective December 22, 1997; amended at 22 Ill. Reg. 2580, effective January 14, 1998; peremptory amendment at 22 Ill. Reg. 4326, effective February 13, 1998; peremptory amendment at 22 Ill. Reg. 5108, effective February 26, 1998; peremptory amendment at 22 Ill. Reg. 5749, effective March 3, 1998; amended at 22 Ill. Reg. 6204, effective March 12, 1998; peremptory amendment at 22 Ill. Reg. 7053, effective April 1, 1998; peremptory amendment at 22 Ill. Reg. 7320, effective April 10, 1998; peremptory amendment at 22 Ill. Reg. 7692, effective April 20, 1998; emergency amendment at 22 Ill. Reg. 12607, effective July 2, 1998, for a maximum of 150 days; peremptory amendment at 22 Ill. Reg. 15489, effective August 7, 1998; amended at 22 Ill. Reg. 16158, effective August 31, 1998; peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.APPENDIX A Negotiated Rates of Pay

Section 310.TABLE H RC-006 (Corrections Employees, AFSCME)

Effective: July 1, 1997

			S T E P S				S T E P S (cont.)			
			1c	1b	1a	1	4	5	6	7
Canine Specialist	2444	2517	2593	2671	2799	2928	3051	3175	3304	3501
Commissary Clerk	1487	1532	1578	1625	1677	1727	1783	1839	1891	1987
Commissary Manager I	1535	1581	1628	1677	1728	1792	1846	1901	1961	2056
Correctional Officer	2001	2061	2123	2187	2278	2371	2469	2561	2659	2806
Correctional Officer Trainee	1710	1761	1814	1868	1938	2014	2086	2164	2238	2356
Correctional Sergeant	2196	2262	2330	2400	2505	2607	2722	2827	2938	3109
Corrections Agricultural Lead Worker	2293	2362	2433	2506	2619	2734	2850	2964	3076	3256
Corrections Agricultural Supervisor	2527	2603	2681	2761	2893	3026	3152	3289	3421	3621
Supervisor	2001	2061	2123	2187	2278	2371	2469	2561	2659	2806
Corrections Clerk I	2196	2262	2330	2400	2505	2607	2722	2827	2938	3109
Corrections Clerk II	1828	1883	1939	1997	2086	2165	2247	2329	2410	2546
Corrections Food Service Supervisor I	2196	2262	2330	2400	2505	2607	2722	2827	2938	3109
Supervisor I	2406	2478	2552	2629	2751	2877	2969	3069	3169	3332
Corrections Food Service Supervisor II	2293	2362	2433	2506	2619	2734	2850	2964	3076	3256
Corrections Grounds Supervisor	2091	2154	2219	2286	2378	2484	2584	2685	2787	2947
Corrections Identification Technician	2293	2362	2433	2506	2619	2734	2850	2964	3076	3256
Worker	2293	2362	2433	2506	2619	2734	2850	2964	3076	3256
Corrections Industry Lead	2293	2362	2433	2506	2619	2734	2850	2964	3076	3256
Worker	2293	2362	2433	2506	2619	2734	2850	2964	3076	3256
Corrections Laundry Manager I	2293	2362	2433	2506	2619	2734	2850	2964	3076	3256
Corrections Locksmith	2293	2362	2433	2506	2619	2734	2850	2964	3076	3256
Corrections Maintenance Craftsman	2293	2362	2433	2506	2619	2734	2850	2964	3076	3256
Corrections Maintenance Worker	2091	2154	2219	2286	2378	2484	2584	2685	2787	2947
Corrections Medical Technician	2091	2154	2219	2286	2378	2484	2584	2685	2787	2947
Corrections Printer	2196	2262	2330	2400	2505	2607	2722	2827	2938	3109
Corrections Resident Counselor I	2091	2154	2219	2286	2378	2484	2584	2685	2787	2947
Corrections Supply Supervisor I	2196	2262	2330	2400	2505	2607	2722	2827	2938	3109
Corrections Supply Supervisor II	2406	2478	2552	2629	2751	2877	3001	3126	3254	3444
Corrections Transportation Officer	2196	2262	2330	2400	2505	2607	2722	2827	2938	3109
Officer I	2444	2517	2593	2671	2799	2928	3051	3175	3304	3501
Corrections Transportation Officer II	2293	2362	2433	2506	2619	2734	2850	2964	3076	3256
Corrections Utilities Operator	2293	2362	2433	2506	2619	2734	2850	2964	3076	3256
Corrections Vocational Instructor	2293	2362	2433	2506	2619	2734	2850	2964	3076	3256

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

			S T E P S				S T E P S (cont.)			
			1c	1b	1a	1	4	5	6	7
Educator Aide	1828	1883	1939	1997	2086	2165	3051	3175	3304	3501
Housekeeper II	1487	1532	1578	1625	1677	1727	1783	1839	1891	1987
Pest Control Operator	1828	1883	1939	1997	2086	2165	1846	1901	1961	2056
Property & Supply Clerk II	1582	1629	1678	1728	1794	1849	2469	2561	2659	2806
Social Service Aide Trainee	1441	1484	1529	1575	1628	1681	2086	2164	2238	2356
Storekeeper I	1840	1895	1952	2011	2086	2170	2722	2827	2938	3109
Storekeeper II	1996	2056	2118	2182	2273	2363	2469	2561	2659	2806
Stores Clerk	1535	1581	1628	1677	1728	1792	2722	2827	2938	3109
Youth Supervisor I	1828	1883	1939	1997	2086	2165	2069	2141	2213	2332
Youth Supervisor II	2001	2061	2123	2187	2278	2371	2247	2329	2410	2546
Youth Supervisor III	2293	2362	2433	2506	2619	2734	2722	2827	2938	3109
Youth Supervisor Trainee	1710	1761	1814	1868	1938	2014	3001	3126	3254	3444
Canine Specialist							2850	2964	3076	3256
Commissary Clerk							2584	2685	2787	2947
Commissary Manager I							2850	2964	3076	3256
Correctional Officer							2850	2964	3076	3256
Correctional Officer Trainee							2850	2964	3076	3256
Correctional Sergeant							2850	2964	3076	3256
Corrections Agricultural Lead Worker							2850	2964	3076	3256
Corrections Agriculture Supervisor							2850	2964	3076	3256
Corrections Clerk I							2850	2964	3076	3256
Corrections Clerk II							2850	2964	3076	3256
Corrections Cook I							2850	2964	3076	3256
Corrections Cook II							2850	2964	3076	3256
Corrections Food Service Supervisor I							2850	2964	3076	3256
Corrections Food Service Supervisor II							2850	2964	3076	3256
Corrections Grounds Supervisor							2850	2964	3076	3256
Corrections Identification Technician							2850	2964	3076	3256
Corrections Industry Lead Worker							2850	2964	3076	3256
Corrections Laundry Manager I							2850	2964	3076	3256
Corrections Laundry Manager II							2850	2964	3076	3256
Corrections Locksmith							2850	2964	3076	3256
Corrections Maintenance Craftsman							2850	2964	3076	3256
Corrections Maintenance Worker							2850	2964	3076	3256
Corrections Medical Technician							2850	2964	3076	3256
Corrections Printer							2850	2964	3076	3256
Corrections Resident Counselor I							2850	2964	3076	3256
Corrections Supply Supervisor I							2850	2964	3076	3256
Corrections Supply Supervisor II							2850	2964	3076	3256
Corrections Transportation Officer							2850	2964	3076	3256
Officer I							2850	2964	3076	3256
Corrections Transportation Officer II							2850	2964	3076	3256
Corrections Utilities Operator							2850	2964	3076	3256
Corrections Vocational Instructor							2850	2964	3076	3256

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Educator Aide	2247	2329	2410	2546
Housekeeper II	1783	1839	1891	1987
Pest Control Operator	2247	2329	2410	2546
Property & Supply Clerk II	1915	1976	2038	2143
Social Service Aide Trainee	1728	1787	1835	1930
Storekeeper I	2246	2335	2410	2540
Storekeeper II	2460	2550	2636	2785
Stores Clerk	1846	1901	1961	2056
Youth Supervisor I	2247	2329	2410	2546
Youth Supervisor II	2469	2561	2659	2806
Youth Supervisor III	2850	2964	3076	3256
Youth Supervisor Trainee	2086	2164	2238	2356

Effective: July 1, 1998

Canine Specialist	1c	lb	la	1	2	3
Commissary-Clerk	2569	2644	2722	2803	2934	3067
Commissary-Manager-I	1583	1629	1677	1725	1779	1830
Commissary-Manager-II	1639	1680	1728	1779	1831	1897
Correctional Officer	2113	2174	2238	2304	2398	2494
Correctional Officer Trainee	1813	1865	1920	1976	2048	2126
Correctional Sergeant	2313	2381	2451	2524	2632	2737
Corrections Agricultural Lead Worker	2413	2484	2557	2633	2749	2868
Corrections Agricultural Supervisor	2654	2733	2813	2895	3031	3168
Corrections Clerk I	2113	2174	2238	2304	2398	2494
Corrections Clerk II	2313	2381	2451	2524	2632	2737
Corrections-Cook-I	1803	1855	1910	1965	2032	2103
Corrections-Cook-II	1934	1991	2049	2108	2200	2281
Corrections Food Service Supervisor I	2313	2381	2451	2524	2632	2737
Corrections Food Service Supervisor II	2530	2604	2680	2759	2885	3015
Corrections Grounds Supervisor	2413	2484	2557	2633	2749	2868
Corrections Identification Technician	2205	2270	2337	2406	2501	2610
Corrections Laundry Lead Worker	2413	2484	2557	2633	2749	2868
Corrections Laundry Manager I	2413	2484	2557	2633	2749	2868
Corrections Locksmith	2413	2484	2557	2633	2749	2868
Corrections Maintenance Craftsman	2413	2484	2557	2633	2749	2868
Corrections Maintenance Worker	2205	2270	2337	2406	2501	2610
Corrections Medical Technician	2205	2270	2337	2406	2501	2610
Corrections Printer	2313	2381	2451	2524	2632	2737
Corrections Residence Counselor I	2205	2270	2337	2406	2501	2610
Corrections Supply Supervisor I	2313	2381	2451	2524	2632	2737
Corrections Supply Supervisor II	2530	2604	2680	2759	2885	3015

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Corrections Transportation Officer I	2313	2381	2451	2524
Corrections Transportation Officer II	2569	2644	2722	2803
Corrections Utilities Operator	2413	2484	2557	2633
Corrections Vocational Instructor	2413	2484	2557	2633
Educator Aide	1934	1991	2049	2108
Housekeeper II	1583	1629	1677	1725
Pest Control Operator	1934	1991	2049	2108
Property & Supply Clerk II	1681	1729	1780	1831
Social Service Aide Trainee	1536	1580	1626	1674
Storekeeper I	1947	2003	2062	2123
Storekeeper II	2107	2169	2233	2299
Stores Clerk	1633	1680	1728	1779
Youth Supervisor I	1934	1991	2049	2108
Youth Supervisor II	2113	2174	2238	2304
Youth Supervisor III	2413	2484	2557	2633
Youth Supervisor Trainee	1813	1865	1920	1976

Canine Specialist	4	5	6	7
Commissary-Clerk	3194	3322	3455	3658
Commissary-Manager-I	1808	1946	1999	2098
Commissary-Manager-II	1953	2010	2071	2169
Correctional Officer	2595	2689	2790	2942
Correctional Officer Trainee	2200	2280	2357	2478
Correctional Sergeant	2855	2963	3078	3254
Corrections Agricultural Lead Worker	2987	3104	3220	3405
Corrections Agriculture Supervisor	3298	3439	3575	3781
Corrections Clerk I	2595	2689	2790	2942
Corrections Clerk II	2855	2963	3078	3254
Corrections-Cook-I	2103	2257	2331	2453
Corrections-Cook-II	2366	2456	2554	2674
Corrections Food Service Supervisor I	2855	2963	3078	3254
Corrections Food Service Supervisor II	3143	3271	3403	3599
Corrections Grounds Supervisor	2987	3104	3220	3405
Corrections Identification Technician	2713	2817	2922	3087
Corrections Industry Lead Worker	2987	3104	3220	3405
Corrections Laundry Manager I	2987	3104	3220	3405
Corrections Locksmith	2987	3104	3220	3405
Corrections Maintenance Craftsman	2987	3104	3220	3405
Corrections Maintenance Worker	2713	2817	2922	3087
Corrections Medical Technician	2713	2817	2922	3087
Corrections Printer	2855	2963	3078	3254
Corrections Residence Counselor I	2713	2817	2922	3087
Corrections Supply Supervisor I	2855	2963	3078	3254
Corrections Supply Supervisor II	3143	3271	3403	3599

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Supervisor II					
Corrections Transportation	2855	2963	3078	3254	
Officer I					
Corrections Transportation	3194	3322	3455	3658	
Officer II					
Corrections Utilities Operator	2987	3104	3220	3405	
Corrections Vocational Instructor	2987	3104	3220	3405	
Educator Aide					
Housekeeper II	2366	2450	2534	2674	
Pest Control Operator	1888	1946	1999	2098	
Property & Supply Clerk II	2366	2450	2534	2674	
Social Service Aide Trainee	2024	2087	2151	2259	
Storekeeper I	1831	1892	1942	2039	
Storekeeper II	2365	2457	2534	2668	
Stores Clerk	2585	2678	2767	2920	
Youth Supervisor I	1953	2010	2071	2169	
Youth Supervisor II	2366	2450	2534	2674	
Youth Supervisor III	2595	2689	2790	2942	
Youth Supervisor Trainee	2987	3104	3220	3405	
	2200	2280	2357	2478	

Effective: July 1, 1999

S T E P S

lc	lb	la	lb	la
Canine Specialist	2646	2723	2804	2887
Commissionary-Clerk	1630	1678	1727	1777
Commissionary-Manager-I	1682	1730	1780	1832
Correctional Officer	2176	2239	2305	2373
Correctional Officer Trainee	1867	1921	1978	2035
Correctional Sergeant	2382	2452	2525	2600
Corrections Agricultural Lead Worker	2485	2559	2634	2712
Corrections Agricultural Supervisor	2734	2815	2897	2982
Corrections Clerk I	2176	2239	2305	2373
Corrections Clerk II	2382	2458	2525	2600
Corrections-Cook-I	1857	1911	1967	2024
Corrections-Cook-II	1992	2051	2110	2171
Corrections Food Service Supervisor I	2382	2452	2525	2600
Corrections Food Service Supervisor II	2606	2682	2760	2842
Corrections Grounds Supervisor	2485	2559	2634	2712
Corrections Identification Technician	2271	2338	2407	2478
Corrections Industry Lead Worker	2485	2559	2634	2712
Corrections Laundry Manager I	2485	2559	2634	2712

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Corrections Locksmith	2485	2559	2634	2712	2831	2954
Corrections Maintenance Craftsman	2485	2559	2634	2712	2831	2954
Corrections Maintenance Worker	2271	2338	2407	2478	2576	2688
Corrections Medical Technician	2271	2338	2407	2478	2576	2688
Corrections Printer	2382	2452	2525	2600	2711	2819
Corrections Residence Counselor I	2271	2338	2407	2478	2576	2688
Corrections Supply Supervisor I	2382	2452	2525	2600	2711	2819
Corrections Supply Supervisor II	2606	2682	2760	2842	2972	3105
Corrections Transportation Officer I	2382	2452	2525	2600	2711	2819
Corrections Transportation Officer II	2646	2723	2804	2887	3022	3159
Corrections Utilities Operator	2485	2559	2634	2712	2831	2954
Corrections Vocational Instructor	2485	2559	2634	2712	2831	2954
Educator Aide	1992	2051	2110	2171	2266	2349
Housekeeper II	1630	1678	1727	1777	1832	1885
Pest Control Operator	1992	2051	2110	2171	2266	2349
Property & Supply Clerk II	1731	1781	1833	1886	1956	2015
Social Service Aide Trainee	1582	1627	1675	1724	1780	1836
Storekeeper I	2005	2063	2124	2187	2266	2356
Storekeeper II	2170	2234	2300	2368	2465	2560
Stores Clerk	1682	1730	1780	1832	1886	1954
Youth Supervisor I	1992	2051	2110	2171	2266	2349
Youth Supervisor II	2176	2239	2305	2373	2470	2569
Youth Supervisor III	2485	2559	2634	2712	2831	2954
Youth Supervisor Trainee	1867	1921	1978	2035	2109	2190

S T E P S (cont.)

4	5	6	7
Canine Specialist	3290	3422	3559
Commissionary-Clerk	1945	2004	2059
Commissionary-Manager-I	2012	2070	2133
Correctional Officer	2673	2770	2874
Correctional Officer Trainee	2266	2348	2428
Correctional Sergeant	2941	3052	3170
Corrections Agricultural Lead Worker	3077	3197	3317
Corrections Agriculture Supervisor	3397	3542	3682
Corrections Clerk I	2673	2770	2874
Corrections Clerk II	2941	3052	3170
Corrections-Cook-I	2248	2325	2401
Corrections-Cook-II	2437	2524	2610
Corrections Food Service Supervisor I	2941	3052	3170
Corrections Food Service Supervisor II	3237	3369	3505
Corrections Grounds	3077	3197	3317

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Supervisor					
Corrections Identification Technician	2794	2902	3010	3180	
Corrections Industry Lead Worker	3077	3197	3317	3507	
Corrections Laundry Manager I	3077	3197	3317	3507	
Corrections Locksmith	3077	3197	3317	3507	
Corrections Maintenance Craftsman	3077	3197	3317	3507	
Corrections Maintenance Worker	2794	2902	3010	3180	
Corrections Medical Technician	2794	2902	3010	3180	
Corrections Printer	2941	3052	3170	3352	
Corrections Residence Counselor I	2794	2902	3010	3180	
Corrections Supply Supervisor I	2941	3052	3170	3352	
Corrections Supply Supervisor II	3237	3369	3505	3707	
Corrections Transportation Officer I	2941	3052	3170	3352	
Corrections Transportation Officer II	3290	3422	3559	3768	
Corrections Utilities Operator	3077	3197	3317	3507	
Corrections Vocational Instructor	3077	3197	3317	3507	
Educator Aide	2437	2524	2610	2754	
Housekeeper II	1945	2004	2059	2161	
Pest Control Operator	2437	2524	2610	2754	
Property & Supply Clerk II	2085	2150	2216	2327	
Social Service Aide Trainee	1886	1949	2000	2100	
Storekeeper I	2436	2531	2610	2748	
Storekeeper II	2663	2758	2850	3008	
Stores Clerk	2012	2070	2133	2234	
Youth Supervisor I	2437	2524	2610	2754	
Youth Supervisor II	2673	2770	2874	3030	
Youth Supervisor III	3077	3197	3317	3507	
Youth Supervisor Trainee	2266	2348	2428	2552	

Maximum Security Institution Schedule

Effective: July 1, 1999

	S T E P S			
	1c	1b	1a	1
Canine Specialist	2777	2856	2940	3025
Commissary-Clerk	1730	1780	1830	1882
Commissary-Manager-I	1784	1833	1885	1938
			2	3
			3164	3305
			1930	1993
			1994	2064

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Correctional Officer	2293	2358	2426	2496	2596	2698
Correctional Officer Trainee	1975	2030	2089	2148	2244	2307
Correctional Sergeant	2505	2577	2652	2730	2844	2955
Corrections Agricultural Lead Worker	2611	2687	2765	2845	2967	3094
Corrections Agricultural Supervisor	2868	2951	3035	3123	3267	3412
Corrections Clerk I	2293	2358	2426	2496	2596	2698
Corrections Clerk II	2505	2577	2652	2730	2844	2955
Corrections Cook-I	1964	2020	2078	2136	2267	2382
Corrections Cook-II	2103	2164	2225	2288	2385	2471
Corrections Food Service Supervisor I	2505	2577	2652	2730	2844	2955
Corrections Food Service Supervisor II	2736	2814	2894	2979	3113	3250
Corrections Grounds Supervisor	2611	2687	2765	2845	2967	3094
Corrections Identification Technician	2391	2460	2531	2604	2705	2820
Corrections Industry Lead Worker	2611	2687	2765	2845	2967	3094
Corrections Laundry Manager I	2611	2687	2765	2845	2967	3094
Corrections Locksmith	2611	2687	2765	2845	2967	3094
Corrections Maintenance Craftsman	2611	2687	2765	2845	2967	3094
Corrections Maintenance Worker	2391	2460	2531	2604	2705	2820
Corrections Medical Technician	2391	2460	2531	2604	2705	2820
Corrections Printer	2505	2577	2652	2730	2844	2955
Corrections Residence Counselor I	2391	2460	2531	2604	2705	2820
Corrections Supply Supervisor I	2505	2577	2652	2730	2844	2955
Corrections Supply Supervisor II	2736	2814	2894	2979	3113	3250
Corrections Transportation Officer I	2505	2577	2652	2730	2844	2955
Corrections Transportation Officer II	2777	2856	2940	3025	3164	3305
Corrections Utilities Operator	2611	2687	2765	2845	2967	3094
Corrections Vocational Instructor	2611	2687	2765	2845	2967	3094
Educator Aide	2103	2164	2225	2288	2385	2471
Housekeeper II	1730	1780	1830	1882	1938	1993
Pest Control Operator	2103	2164	2225	2288	2385	2471
Property & Supply Clerk II	1834	1886	1939	1994	2066	2127
Social Service Aide Trainee	1681	1727	1777	1827	1885	1943
Storekeeper I	2117	2176	2239	2304	2385	2478
Storekeeper II	2287	2353	2421	2491	2590	2688
Stores Clerk	1784	1833	1885	1938	1994	2064
Youth Supervisor I	2103	2164	2225	2288	2385	2471
Youth Supervisor II	2293	2358	2426	2496	2596	2698
Youth Supervisor III	2611	2687	2765	2845	2967	3094
Youth Supervisor Trainee	1975	2030	2089	2148	2224	2307

S T E P S (cont.)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Canine Specialist	4	5	6	7
Commissary-Clerk	3440	3576	3717	3933
Commissary-Manager-I	2055	2116	2172	2277
Correctional Officer	2124	2184	2240	2353
Correctional Officer Trainee	2805	2905	3012	3172
Correctional Sergeant	2385	2470	2552	2680
Corrections Agricultural Lead	3081	3195	3317	3504
Worker	3221	3344	3468	3664
Corrections Agriculture Supervisor	3550	3700	3844	4062
Corrections Clerk I	2805	2905	3012	3172
Corrections Clerk II	3081	3195	3317	3504
Corrections-Cook-I	2367	2446	2525	2654
Corrections-Cook-II	2562	2651	2740	2880
Corrections Food Service Supervisor I	3081	3195	3317	3504
Corrections Food Service Supervisor II	3386	3522	3662	3870
Corrections Grounds Supervisor	3221	3344	3468	3664
Corrections Identification Technician	2929	3041	3152	3327
Corrections Industry Lead Worker	3221	3344	3468	3664
Corrections Laundry Manager I	3221	3344	3468	3664
Corrections Locksmith	3221	3344	3468	3664
Corrections Maintenance Craftsman	3221	3344	3468	3664
Corrections Maintenance Worker	2929	3041	3152	3327
Corrections Medical Technician	2929	3041	3152	3327
Corrections Printer	3081	3195	3317	3504
Corrections Residence Counselor I	2929	3041	3152	3327
Corrections Supply Supervisor I	3081	3195	3317	3504
Corrections Supply Supervisor II	3386	3522	3662	3870
Corrections Transportation Officer I	3081	3195	3317	3504
Corrections Transportation Officer II	3440	3576	3717	3933
Corrections Utilities Operator	3221	3344	3468	3664
Corrections Vocational Instructor	3221	3344	3468	3664
Educator Aide	2562	2651	2740	2880

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Housekeeper II	2055	2116	2172	2277
Pest Control Operator	2562	2651	2740	2888
Property & Supply Clerk II	2199	2266	2334	2448
Social Service Aide Trainee	1994	2059	2112	2215
Storekeeper I	2561	2658	2740	2882
Storekeeper II	2794	2892	2987	3150
Stores Clerk	2124	2184	2248	2353
Youth Supervisor I	2562	2651	2740	2888
Youth Supervisor II	2805	2905	3012	3172
Youth Supervisor III	3221	3344	3468	3664
Youth Supervisor Trainee	2385	2470	2552	2680

(Source: Peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310. TABLE I RC-009 (Institutional Employees, AFSCME)

Effective: July 1, 1997

		S T E P S		
	lc 3/	lb 2/	la 1/	1
Activity Program Aide I	1412	1454	1498	1543
Activity Program Aide II	1456	1500	1545	1591
Apparel/Dry Goods Specialist I	1456	1500	1545	1591
Apparel/Dry Goods Specialist II	1552	1599	1647	1696
Apparel/Dry Goods Specialist III	1938	1996	2056	2118
Children's Shelter Care Associate	1726	1778	1831	1886
Clinical Laboratory Associate	1546	1592	1640	1689
Clinical Laboratory Phlebotomist	1495	1540	1586	1634
Clinical Laboratory Technician I	1724	1776	1829	1884
Clinical Laboratory Technician II	1885	1942	2000	2060
Commissary Clerk	1444	1487	1532	1578
Commissary Manager I	1490	1535	1581	1628
Commissary Manager II	1609	1657	1707	1758
Cook I	1536	1582	1629	1678
Cook II	1664	1714	1765	1818
Educator Aide	1775	1828	1883	1939
Facility Assistant Fire Chief	1852	1908	1965	2024
Facility Fire Safety Coordinator	1852	1908	1965	2024
Facility Firefighter	1715	1766	1819	1874
Florist I	1775	1828	1883	1939
Institutional Maintenance Worker	1594	1642	1691	1742
Laboratory Assistant	1399	1441	1484	1529
Laboratory Associate I	1724	1776	1829	1884
Laboratory Associate II	1885	1942	2000	2060
Licensed Practical Nurse I	1709	1760	1813	1867
Licensed Practical Nurse II	1792	1846	1901	1958
Locksmith	1967	2026	2087	2150
Mental Health Technician I	1456	1500	1545	1591
Mental Health Technician II	1552	1599	1647	1696
Mental Health Technician III	1609	1657	1707	1758
Mental Health Technician IV	1664	1714	1765	1818
Mental Health Technician V	1726	1778	1831	1886
Mental Health Technician VI	1746	1798	1852	1908
Mental Health Technician	1360	1401	1443	1486
Trainees I				
Musician	1609	1657	1707	1758
Pest Control Operator	1709	1760	1813	1867
Physical Therapy Aide I	1412	1454	1498	1543
Physical Therapy Aide II	1552	1599	1647	1696
Physical Therapy Aide III	1726	1778	1831	1886
Rehabilitation Workshop	1609	1657	1707	1758
Instructor I				

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

		S T E P S		
	lc 3/	lb 2/	la 1/	1
Rehabilitation Workshop Instructor II	1726	1778	1831	1886
Residential Care Worker	1599	1647	1696	1747
Residential Care Worker Trainee				
Security Therapy Aide I	1943	2001	2061	2123
Security Therapy Aide II	2132	2196	2262	2330
Security Therapy Aide III	2226	2293	2362	2433
Security Therapy Aide Trainee	1660	1710	1761	1814
Social Service Aide I	1609	1657	1707	1758
Social Service Aide II	1726	1778	1831	1886
Social Service Aide Trainee	1399	1441	1484	1529
Support Services Supervisor I	1709	1760	1813	1867
Support Services Supervisor II	1885	1942	2000	2060
Support Service Worker I	1444	1487	1532	1578
Support Service Worker II	1536	1582	1629	1678
Support Service Worker III	2030	2091	2154	2219
Transportation Coordinator	2132	2196	2262	2330
Transportation Officer I				
Veterans Nursing Assistant - Certified	1609	1657	1707	1758
Activity Program Aide I	1731	1785	1836	1886
Activity Program Aide II	1782	1836	1886	1936
Apparel/Dry Goods Specialist I	1782	1836	1886	1936
Apparel/Dry Goods Specialist II	1899	1953	2005	2058
Apparel/Dry Goods Specialist III	2388	2442	2494	2547
Children's Shelter Care Associate	2114	2166	2218	2270
Clinical Laboratory Associate	1870	1921	1973	2024
Clinical Laboratory Phlebotomist	1804	1856	1907	1958
Clinical Laboratory Technician I	2115	2167	2218	2269
Clinical Laboratory Technician II	2321	2372	2423	2474
Commissary Clerk	1731	1785	1836	1886
Commissary Manager I	1792	1846	1897	1948
Commissary Manager II	1969	2020	2071	2122
Cook I	1859	1910	1961	2012
Cook II	2037	2088	2139	2190
Educator Aide	2116	2167	2218	2269
Facility Assistant Fire Chief	2266	2317	2368	2419
Facility Fire Safety Coordinator	2266	2317	2368	2419
Facility Firefighter	2082	2133	2184	2235
Florist II	2182	2233	2284	2335
Institutional Maintenance Worker	1930	1981	2032	2083
Laboratory Assistant	1678	1729	1780	1831
Laboratory Associate I	2115	2166	2217	2268
Laboratory Associate II	2321	2372	2423	2474
Licensed Practical Nurse I	2088	2139	2190	2241

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Licensed Practical Nurse II	2204	2285	2367	2519
Locksmith	2431	2522	2619	2768
Mental Health Technician I	1782	1852	1923	2016
Mental Health Technician II	1899	1973	2050	2151
Mental Health Technician III	1969	2045	2123	2228
Mental Health Technician IV	2037	2116	2198	2308
Mental Health Technician V	2114	2196	2279	2405
Mental Health Technician VI	2140	2222	2306	2425
Mental Health Technician Trainee I	1628	1674	1722	1811
Musician	1969	2045	2123	2228
Pest Control Operator	2088	2170	2240	2360
Physical Therapy Aide I	1731	1799	1867	1958
Physical Therapy Aide II	1899	1973	2050	2151
Physical Therapy Aide III	2114	2196	2279	2405
Rehabilitation Workshop Instructor I	1969	2045	2123	2228
Rehabilitation Workshop Instructor II	2204	2285	2367	2519
Residential Care Worker	2114	2196	2279	2405
Residential Care Worker Trainee	1950	2013	2082	2192
Security Therapy Aide I	2397	2486	2582	2724
Security Therapy Aide II	2643	2745	2852	3018
Security Therapy Aide III	2767	2878	2986	3161
Security Therapy Aide Trainee	2025	2101	2173	2287
Social Service Aide I	1969	2045	2123	2228
Social Service Aide II	2114	2196	2279	2405
Social Service Aide Trainee	1678	1735	1782	1874
Support Service Supervisor I	2088	2170	2240	2360
Support Service Supervisor II	2321	2405	2497	2636
Support Service Worker II	1731	1785	1836	1929
Support Service Worker III	1859	1918	1979	2081
Transportation Coordinator	2509	2607	2706	2861
Transportation Officer I	2643	2745	2852	3018
Veterans Nursing Assistant - Certified	1969	2045	2123	2228

Note: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Full-time employees who are receiving the flat-rate pension formula will receive a one-time lump sum payment of \$565.

Effective: July 1, 1998

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S T E P S

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Activity Program Aide I	1454	1498	1543	1589	1651	1717
Activity Program Aide II	1500	1545	1591	1639	1702	1769
Apparel/Dry Goods Specialist I	1500	1545	1591	1639	1702	1769
Apparel/Dry Goods Specialist II	1599	1647	1696	1747	1815	1884
Apparel/Dry Goods Specialist III	1996	2056	2118	2182	2273	2363
Children's Shelter Care Associate	1778	1831	1886	1943	2017	2098
Clinical Laboratory Associate	1592	1640	1689	1740	1799	1863
Clinical Laboratory Phlebotomist	1540	1586	1634	1683	1740	1796
Clinical Laboratory Technician I	1776	1829	1884	1941	2025	2098
Clinical Laboratory Technician II	1942	2000	2060	2122	2212	2295
Committee-Clerk	1487	1532	1578	1625	1677	1727
Committee-Manager-I	1535	1581	1628	1677	1728	1792
Committee-Manager-II	1657	1707	1758	1811	1881	1953
Cook I	1582	1629	1678	1728	1794	1849
Cook II	1714	1765	1818	1873	1945	2022
Educator Aide	1828	1883	1939	1997	2086	2165
Facility Assistant Fire Chief	1908	1965	2024	2085	2169	2247
Facility Fire Safety Coordinator	1908	1965	2024	2085	2169	2247
Facility Firefighter	1766	1819	1874	1930	1994	2073
Florist II	1828	1883	1939	1997	2086	2165
Institutional Maintenance Worker	1642	1691	1742	1794	1858	1919
Laboratory Assistant	1441	1484	1529	1575	1628	1681
Laboratory Associate I	1776	1829	1884	1941	2025	2098
Laboratory Associate II	1942	2000	2060	2122	2212	2295
Licensed Practical Nurse I	1760	1813	1867	1923	1994	2075
Licensed Practical Nurse II	1846	1901	1958	2017	2106	2185
Locksmith	2413	2484	2557	2633	2749	2868
Mental Health Technician I	1500	1545	1591	1639	1702	1769
Mental Health Technician II	1599	1647	1696	1747	1815	1884
Mental Health Technician III	1657	1707	1758	1811	1881	1953
Mental Health Technician IV	1714	1765	1818	1873	1945	2022
Mental Health Technician V	1778	1831	1886	1943	2017	2098
Mental Health Technician VI	1798	1852	1908	1965	2040	2122
Mental Health Technician Trainee I	1401	1443	1486	1531	1575	1628
Musician	1657	1707	1758	1811	1881	1953
Pest Control Operator	1760	1813	1867	1923	1994	2075
Physical Therapy Aide I	1454	1498	1543	1589	1651	1717
Physical Therapy Aide II	1599	1647	1696	1747	1815	1884
Physical Therapy Aide III	1778	1831	1886	1943	2017	2098
Rehabilitation Workshop Instructor I	1657	1707	1758	1811	1881	1953
Rehabilitation Workshop Instructor II	1846	1901	1958	2017	2106	2185
Residential Care Worker	1778	1831	1886	1943	2017	2098
Residential Care Worker Trainee	1647	1696	1747	1799	1868	1935
Security Therapy Aide I	2001	2061	2123	2187	2278	2371

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Security Therapy Aide II	2196	2262	2330	2400	2505	2607
Security Therapy Aide III	2293	2362	2433	2506	2619	2734
Security Therapy Aide Trainee	1710	1761	1814	1868	1938	2014
Social Service Aide I	1657	1707	1758	1811	1881	1953
Social Service Aide II	1778	1831	1886	1943	2017	2098
Social Service Aide Trainee	1441	1484	1529	1575	1628	1681
Support-Services-Supervisor-I	1760	1819	1867	1923	1994	2065
Support-Services-Supervisor-II	1942	2000	2060	2122	2192	2265
Support-Services-Worker-I	1487	1532	1578	1625	1677	1727
Support-Services-Worker-II	1582	1629	1678	1728	1794	1849
Transportation Coordinator	2091	2154	2219	2286	2378	2484
Transportation Officer I	2196	2262	2330	2400	2505	2607
Veterans Nursing Assistant - Certified	1657	1707	1758	1811	1881	1953
Activity Program Aide I	1783	1853	1923	1993	2065	2137
Activity Program Aide II	1835	1908	1981	2055	2129	2203
Apparel/Dry Goods Specialist I	1835	1908	1981	2055	2129	2203
Apparel/Dry Goods Specialist II	1956	2032	2112	2192	2272	2352
Apparel/Dry Goods Specialist III	2460	2550	2636	2726	2816	2906
Children's Shelter Care Associate	2177	2262	2347	2437	2527	2617
Clinical Laboratory Associate	1926	1989	2055	2125	2195	2265
Clinical Laboratory Phlebotomist	1858	1916	1978	2038	2098	2158
Clinical Laboratory Technician I	2178	2255	2336	2416	2496	2576
Clinical Laboratory Technician II	2391	2477	2572	2672	2772	2872
Clinical Laboratory Technician III	2477	2572	2672	2772	2872	2972
Commissary-Clerk	1883	1961	2041	2121	2201	2281
Commissary-Manager-I	1846	1921	1996	2071	2146	2221
Commissary-Manager-II	2020	2106	2192	2277	2362	2447
Cook I	1915	1976	2038	2103	2168	2233
Cook II	2098	2179	2264	2349	2434	2519
Educator Aide	2247	2329	2410	2496	2581	2666
Facility Assistant Fire Chief	2334	2421	2509	2596	2681	2766
Facility Fire Safety Coordinator	2334	2421	2509	2596	2681	2766
Facility Firefighter	2144	2220	2293	2371	2448	2525
Florist II	2247	2329	2410	2496	2581	2666
Institutional Maintenance Worker	1988	2053	2122	2192	2262	2332
Laboratory Assistant	1728	1787	1835	1893	1951	2009
Laboratory Associate I	2178	2255	2336	2416	2496	2576
Laboratory Associate II	2391	2477	2572	2672	2772	2872
Licensed Practical Nurse I	2151	2235	2307	2381	2455	2529
Licensed Practical Nurse II	2270	2354	2438	2522	2606	2690
Locksmith	2987	3104	3220	3336	3452	3568
Mental Health Technician I	1835	1908	1981	2055	2129	2203
Mental Health Technician II	1956	2032	2112	2192	2272	2352
Mental Health Technician III	2028	2106	2187	2265	2343	2421
Mental Health Technician IV	2098	2179	2264	2349	2434	2519

S T E P S (cont.)

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DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Mental Health Technician V	2177	2262	2347	2477
Mental Health Technician VI	2204	2289	2375	2498
Mental Health Technician Trainee I	1677	1724	1774	1865
Musician	2028	2106	2187	2295
Pest Control Operator	2151	2235	2307	2431
Physical Therapy Aide I	1783	1853	1923	2017
Physical Therapy Aide II	1956	2032	2112	2216
Physical Therapy Aide III	2177	2262	2347	2477
Rehabilitation Workshop	2028	2106	2187	2295
Instructor I	2270	2354	2438	2595
Rehabilitation Workshop	2177	2262	2347	2477
Instructor II	2009	2073	2144	2258
Residential Care Worker	2469	2561	2659	2806
Residential Care Worker Trainee	2722	2827	2938	3109
Security Therapy Aide I	2850	2964	3076	3256
Security Therapy Aide II	2086	2164	2238	2356
Security Therapy Aide Trainee	2028	2106	2187	2295
Social Service Aide I	2177	2262	2347	2477
Social Service Aide II	1728	1787	1835	1930
Social Service Aide Trainee	2151	2235	2307	2431
Support-Services-Supervisor-I	2391	2477	2572	2672
Support-Services-Supervisor-II	1783	1853	1923	2017
Support-Services-Worker-I	1915	1976	2038	2103
Support-Services-Worker-II	2584	2685	2787	2947
Transportation Coordinator	2722	2827	2938	3109
Transportation Officer I	2028	2106	2187	2295
Veterans Nursing Assistant - Certified	1760	1813	1867	1923
Security Therapy Aide I	1942	2000	2060	2122
Security Therapy Aide II	1487	1532	1578	1625
Security Therapy Aide Trainee	1582	1629	1678	1728
Support Service Coordinator I	1760	1813	1867	1923
Support Service Coordinator II	1942	2000	2060	2122
Support Service Lead	1487	1532	1578	1625
Support Service Worker	1582	1629	1678	1728
Support Service Coordinator I	1760	1813	1867	1923
Support Service Coordinator II	1942	2000	2060	2122
Support Service Lead	1487	1532	1578	1625
Support Service Worker	1582	1629	1678	1728
Support Service Coordinator I	1760	1813	1867	1923
Support Service Coordinator II	1942	2000	2060	2122
Support Service Lead	1487	1532	1578	1625
Support Service Worker	1582	1629	1678	1728

Note: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Effective: September 23, 1998

S T E P S	2	3
1a	1994	2075
1b	2122	2295
1c	1677	1727
1d	1794	1849
2	2307	2431
3	2572	2715
4	2391	2477
5	2307	2431
6	2307	2431
7	2307	2431

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Support Service Lead 1783 1839 1891 1987
 Support Service Worker 1915 1976 2038 2143

Note: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

Effective: July 1, 1999

	S T E P S			
	1a	1b	1c	3
Activity Program Aide I	1498	1543	1589	1701
Activity Program Aide II	1545	1591	1639	1753
Apparel/Dry Goods Specialist I	1545	1591	1639	1753
Apparel/Dry Goods Specialist II	1647	1696	1747	1799
Apparel/Dry Goods Specialist III	2056	2118	2182	2247
Children's Shelter Care Associate	1831	1886	1943	2001
Clinical Laboratory Associate	1640	1689	1740	1792
Clinical Laboratory Phlebotomist	1586	1634	1683	1733
Clinical Laboratory Technician I	1829	1884	1941	1999
Clinical Laboratory Technician II	2000	2060	2122	2186
Clinical Laboratory Technician III	1532	1578	1625	1674
Committee-Manager-I	1581	1628	1677	1727
Committee-Manager-II	1707	1758	1804	1855
Cook I	1629	1678	1728	1780
Cook II	1765	1818	1873	1929
Educator Aide	1883	1939	1997	2057
Facility Assistant Fire Chief	1965	2024	2085	2148
Facility Fire Safety Coordinator	1965	2024	2085	2148
Facility Firefighter	1819	1874	1930	1988
Florist II	1883	1939	1997	2057
Institutional Maintenance Worker	1691	1742	1794	1848
Laboratory Assistant	1484	1529	1575	1622
Laboratory Associate I	1829	1884	1941	1999
Laboratory Associate II	2000	2060	2122	2186
Licensed Practical Nurse I	1813	1867	1923	1981
Licensed Practical Nurse II	1901	1958	2017	2078
Locksmith	2485	2559	2634	2712
Mental Health Technician I	1545	1591	1639	1688
Mental Health Technician II	1647	1696	1747	1799
Mental Health Technician III	1707	1758	1811	1865
Mental Health Technician IV	1765	1818	1873	1929
Mental Health Technician V	1831	1886	1943	2001
Mental Health Technician VI	1852	1908	1965	2024
Mental Health Technician Trainee I	1443	1486	1531	1577
Musician	1707	1758	1811	1865
Pest Control Operator	1813	1867	1923	1981

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Physical Therapy Aide I	1498	1543	1589	1637
Physical Therapy Aide II	1647	1696	1747	1799
Physical Therapy Aide III	1831	1886	1943	2001
Rehabilitation Workshop Instructor	1707	1758	1811	1865
Rehabilitation Workshop Instructor I	1901	1958	2017	2078
Rehabilitation Workshop Instructor II	1831	1886	1943	2001
Residential Care Worker	1696	1747	1799	1853
Residential Care Worker Trainee	2061	2123	2187	2253
Security Therapy Aide I	2262	2320	2400	2472
Security Therapy Aide II	2362	2433	2506	2581
Security Therapy Aide III	1761	1814	1868	1924
Security Therapy Aide Trainee	1707	1758	1811	1865
Social Service Aide I	1831	1886	1943	2001
Social Service Aide II	1484	1529	1575	1622
Social Service Aide Trainee	1532	1578	1625	1674
Support Service Lead	1813	1867	1923	1981
Support Service Coordinator I	2000	2060	2122	2186
Support Service Coordinator II	1629	1678	1728	1780
Support Service Worker	1813	1867	1923	1981
Support Services-Supervisor-I	2000	2060	2122	2186
Support Services-Supervisor-II	1532	1578	1625	1674
Support Services-Worker-I	1629	1678	1728	1780
Support Services-Worker-II	2262	2320	2400	2472
Support Services-Worker-III	1707	1758	1811	1865
Transportation Coordinator	2154	2219	2286	2355
Transportation Officer I	2262	2320	2400	2472
Veterans Nursing Assistant - Certified	1707	1758	1811	1865

S T E P S (cont.)

Activity Program Aide I	1836	1909	1981	2078
Activity Program Aide II	1890	1965	2040	2138
Apparel/Dry Goods Specialist I	1890	1965	2040	2138
Apparel/Dry Goods Specialist II	2015	2093	2175	2282
Apparel/Dry Goods Specialist III	2534	2627	2715	2869
Children's Shelter Care Associate	2242	2330	2417	2551
Clinical Laboratory Associate	1984	2049	2117	2230
Clinical Laboratory Phlebotomist	1914	1973	2037	2140
Clinical Laboratory Technician I	2243	2323	2406	2540
Clinical Laboratory Technician II	2463	2551	2649	2796
Committee-Manager-I	1936	1994	2048	2110
Committee-Manager-II	2001	2069	2138	2210
Cook I	1972	2035	2099	2207
Cook II	2161	2244	2332	2448
Educator Aide	2314	2399	2482	2622

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Facility Assistant Fire Chief	2404	2494	2584	2732
Facility Fire Safety Coordinator	2404	2494	2584	2732
Facility Firefighter	2208	2287	2362	2484
Florist II	2314	2399	2482	2622
Institutional Maintenance Worker	2048	2115	2186	2304
Laboratory Assistant	1780	1841	1890	1988
Laboratory Associate I	2243	2323	2406	2540
Laboratory Associate II	2463	2551	2649	2796
Licensed Practical Nurse I	2216	2302	2376	2504
Licensed Practical Nurse II	2338	2425	2511	2673
Locksmith	3077	3197	3317	3507
Mental Health Technician I	1890	1965	2040	2138
Mental Health Technician II	2015	2093	2175	2282
Mental Health Technician III	2089	2169	2253	2364
Mental Health Technician IV	2161	2244	2332	2448
Mental Health Technician V	2242	2330	2417	2551
Mental Health Technician VI	2270	2358	2446	2573
Mental Health Technician Trainee I	1727	1776	1827	1921
Musician	2089	2169	2253	2364
Pest Control Operator	2216	2302	2376	2504
Physical Therapy Aide I	1836	1909	1981	2078
Physical Therapy Aide II	2015	2093	2175	2282
Physical Therapy Aide III	2242	2330	2417	2551
Rehabilitation Workshop	2089	2169	2253	2364
Instructor I				
Rehabilitation Workshop	2338	2425	2511	2673
Instructor II				
Residential Care Worker	2242	2330	2417	2551
Residential Care Worker Trainee	2069	2135	2208	2326
Security Therapy Aide I	2543	2638	2739	2890
Security Therapy Aide II	2804	2912	3026	3202
Security Therapy Aide III	2936	3053	3168	3354
Security Therapy Aide Trainee	2149	2229	2305	2427
Social Service Aide I	2089	2169	2253	2364
Social Service Aide II	2242	2330	2417	2551
Social Service Aide Trainee	1780	1841	1890	1988
Support Service Lead	1836	1894	1948	2047
Support Service Coordinator I	2216	2302	2376	2504
Support Service Coordinator II	2463	2551	2649	2796
Support Service Worker	1972	2035	2099	2207
Support-Services-Supervisor-I	2216	2302	2376	2504
Support-Services-Supervisor-II	2463	2551	2649	2796
Support-Services-Worker-I	1836	1894	1948	2047
Support-Services-Worker-II	1972	2035	2099	2207
Support-Services-Worker-III	2216	2302	2376	2504
Transportation Coordinator	2662	2766	2871	3035
Transportation Officer I	2804	2912	3026	3202

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Veterans Nursing Assistant - 2089 2169 2253 2364
Certified

NOTE: Employees subject to the alternative pension formula will be paid at rates that are 3% higher than those stated above.

(Source: Peremptory amendment at 22 Ill. Reg. ~~19105~~, effective September 30, 1998)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.TABLE L RC-008 (Boilermakers)

Effective: September 1, 1998

	Minimum Salary	Maximum Salary
Boiler Safety Specialist	3,984.60	5,145.18

Effective:--September-1-1997

	Minimum Salary	Maximum Salary
Boiler-Safety-Specialist	3,604.99	4,652.33

(Source: Peremptory Amendment at 22 Ill. Reg. 19105, effective September 30, 1998)

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

Section 310.TABLE V CU-500 (Corrections Meet and Confer Employees)

Effective July 1, 1997

	lc	lb	la	1	2	S T E P S
Commissary Manager II	1647	1696	1747	1799	1868	
Correctional Casework Supervisor	2870	2956	3045	3136	3293	
Correctional Lieutenant	2576	2653	2733	2815	2952	
Corrections Clerk III	2330	2400	2472	2546	2664	
Corrections Food Service Supervisor III	2576	2653	2733	2815	2952	
Corrections Identification Supervisor	2444	2517	2593	2671	2799	
Corrections Industry Supervisor	2576	2653	2733	2815	2952	
Correctional Laundry Manager II	2444	2517	2593	2671	2799	
Corrections Maintenance Supervisor	2330	2400	2472	2546	2664	
Corrections Residence Counselor II	2330	2400	2472	2546	2664	
Corrections Supply Supervisor III	2576	2653	2733	2815	2952	
Property And Supply Clerk III	1647	1696	1747	1799	1868	
Storekeeper III	2026	2087	2150	2215	2307	
Youth Supervisor IV	2576	2653	2733	2815	2952	

	3	4	5	6	7	S T E P S
Commissary Manager II	1935	2009	2073	2144	2258	
Correctional Casework Supervisor	3448	3611	3767	3922	4162	
Correctional Lieutenant	3089	3229	3362	3496	3704	
Corrections Clerk III	2785	2902	3022	3144	3329	
Corrections Food Service Supervisor III	3089	3229	3362	3496	3704	
Corrections Identification Supervisor	2928	3051	3175	3304	3501	
Corrections Industry Supervisor	3089	3229	3362	3496	3704	
Correctional Laundry Manager II	2928	3051	3175	3304	3501	
Corrections Maintenance Supervisor	2785	2902	3022	3144	3329	
Corrections Residence Counselor II	2785	2902	3022	3144	3329	
Corrections Supply Supervisor III	3089	3229	3362	3496	3704	
Property And Supply Clerk III	1935	2009	2073	2144	2258	
Storekeeper III	2406	2504	2598	2698	2851	
Youth Supervisor IV	3089	3229	3362	3496	3704	

Effective July 1, 1998

S T E P S

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	1c	1b	1a	1	2
Commissary-Manager-II	1748	1798	1851	1904	1976
Correctional Casework Supervisor	3008	3096	3188	3282	3443
Correctional Lieutenant	2705	2784	2866	2951	3092
Corrections Clerk III	2451	2524	2598	2674	2795
Corrections Food Service Supervisor III	2705	2784	2866	2951	3092
Corrections Identification Supervisor	2569	2644	2722	2803	2934
Corrections Industry Supervisor	2705	2784	2866	2951	3092
Correctional Laundry Manager II	2569	2644	2722	2803	2934
Corrections Maintenance Supervisor	2451	2524	2598	2674	2795
Corrections Residence Counselor II	2451	2524	2598	2674	2795
Corrections Supply Supervisor III	2705	2784	2866	2951	3092
Property and Supply Clerk III	1748	1798	1851	1904	1976
Storekeeper III	2138	2201	2266	2333	2428
Youth Supervisor IV	2705	2784	2866	2951	3092
S T E P S					
	3	4	5	6	7
	2045	2121	2187	2260	2377
	3603	3771	3932	4091	4338
	3233	3377	3514	3652	3867
	2920	3041	3164	3290	3480
	3233	3377	3514	3652	3867
	3067	3194	3322	3455	3658
	3233	3377	3514	3652	3867
	3067	3194	3322	3455	3658
	2920	3041	3164	3290	3480
	2920	3041	3164	3290	3480
	3233	3377	3514	3652	3867
	2045	2121	2187	2260	2377
	2530	2631	2727	2830	2988
	3233	3377	3514	3652	3867
Effective July 1, 1999					
	1c	1b	1a	1	2
Commissary-Manager-II	1800	1852	1907	1961	2035
Correctional Casework Supervisor	3098	3189	3284	3380	3546
Correctional Lieutenant	2786	2868	2952	3040	3185

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	1c	1b	1a	1	2
Corrections Clerk III	2525	2600	2676	2754	2879
Corrections Food Service Supervisor III	2786	2868	2952	3040	3185
Corrections Identification Supervisor	2646	2723	2804	2887	3022
Corrections Industry Supervisor	2786	2868	2952	3040	3185
Correctional Laundry Manager II	2646	2723	2804	2887	3022
Corrections Maintenance Supervisor	2525	2600	2676	2754	2879
Corrections Residence Counselor II	2525	2600	2676	2754	2879
Corrections Supply Supervisor III	2786	2868	2952	3040	3185
Property And Supply Clerk III	1800	1852	1907	1961	2035
Storekeeper III	2202	2267	2334	2403	2501
Youth Supervisor IV	2786	2868	2952	3040	3185
S T E P S					
	3	4	5	6	7
	2106	2185	2253	2328	2448
	3711	3884	4050	4214	4468
	3330	3478	3619	3762	3983
	3008	3132	3259	3389	3584
	3330	3478	3619	3762	3983
	3159	3290	3422	3559	3768
	3330	3478	3619	3762	3983
	3159	3290	3422	3559	3768
	3008	3132	3259	3389	3584
	3330	3478	3619	3762	3983
	2106	2185	2253	2328	2448
	2606	2710	2809	2915	3078
	3330	3478	3619	3762	3983
Maximum Security Institutions Schedule Effective July 1, 1999					
	1c	1b	1a	1	2
Commissary-Manager-II	1852	1903	1958	2013	2087
Correctional Casework Supervisor	3150	3240	3335	3432	3598
Correctional Lieutenant	2838	2919	3003	3091	3236
Corrections Clerk III	2576	2651	2727	2806	2930
Corrections Food Service Supervisor III	2838	2919	3003	3091	3236
Corrections Identification	2698	2775	2855	2939	3074

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PEREMPTORY AMENDMENTS

	Supervisor	2838	2919	3003	3091	3236
Corrections Industry Supervisor		2838	2919	3003	3091	3236
Corrections Laundry Manager II		2698	2775	2855	2939	3074
Corrections Maintenance		2576	2651	2727	2806	2930
Supervisor						
Corrections Residence		2576	2651	2727	2806	2930
Counselor II						
Corrections Supply Supervisor III		2838	2919	3003	3091	3236
Property And Supply Clerk III		1852	1903	1958	2013	2087
Storekeeper III		2254	2319	2385	2454	2552
Youth Supervisor IV		2838	2919	3003	3091	3236
		S T E P S				
		3	4	5	6	7
		2150	2236	2304	2379	2500
		3763	3936	4101	4265	4520
		3381	3530	3671	3813	4035
		3059	3184	3310	3440	3636
		3381	3530	3671	3813	4035
		3211	3341	3473	3610	3819
		3381	3530	3671	3813	4035
		3211	3341	3473	3610	3819
		3059	3184	3310	3440	3636
		3059	3184	3310	3440	3636
		3381	3530	3671	3813	4035
		2158	2236	2304	2379	2500
		2657	2761	2860	2966	3129
		3381	3530	3671	3813	4035

(Source: Peremptory amendment at 22 Ill. Reg. 19105, effective September 30, 1998)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER

ROOM 16-503

CHICAGO, ILLINOIS

10:30 A.M.

OCTOBER 20, 1998

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules

700 Stratton Office Building

Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSBanks and Real Estate

1. Licensing and Regulation of Pawnbrokers (38 Ill Adm Code 360)
-First Notice Published: 22 Ill Reg 14122 - 7/31/98
-Expiration of Second Notice: 11/13/98

Capital Development Board

2. Bidder Responsibility (44 Ill Adm Code 950)
-First Notice Published: 22 Ill Reg 14003 - 7/31/98
-Expiration of Second Notice: 11/8/98
3. Prequalification of Architects and Engineers (44 Ill Adm Code 980)
-First Notice Published: 22 Ill Reg 14022 - 7/31/98
-Expiration of Second Notice: 11/8/98
4. Hearing Procedures (71 Ill Adm Code 100)
-First Notice Published: 22 Ill Reg 14018 - 7/31/98
-Expiration of Second Notice: 11/8/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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Central Management Services

5. Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill Adm Code 10)
-First Notice Published: 22 Ill Reg 8933 - 5/29/98
-Expiration of Second Notice: 11/15/98
6. Pay Plan (80 Ill Adm Code 310)
-First Notice Published: 22 Ill Reg 12422 - 7/17/98
-Expiration of Second Notice Period: 10/22/98

Central Management Services/Governor's Travel Control Board

7. Travel (80 Ill Adm Code 2800)
-First Notice Published: 22 Ill Reg 11665 - 7/10/98
-Expiration of Second Notice: 11/12/98

Children and Family Services

8. Services Delivered by the Department (89 Ill Adm Code 302)
-First Notice Published: 22 Ill Reg 7424 - 5/1/98
-Expiration of Second Notice: 11/7/98

9. Grants-In-Aid (89 Ill Adm Code 360)

-First Notice Published: 22 Ill Reg 10941 - 6/26/98
-Expiration of Second Notice: 11/15/98

10. Confidentiality of Personal Information of Persons Served by the Department of Children and Family Services (89 Ill Adm Code 431)
-First Notice Published: 22 Ill Reg 7759 - 5/8/98
-Expiration of Second Notice 11/8/98

11. Employee Conflict of Interest (89 Ill Adm Code 437)

-First Notice Published: 22 Ill Reg 11254 - 7/6/98
-Expiration of Second Notice: 10/22/98

Commerce Commission

12. Standards of Service for Electric Utilities (83 Ill Adm Code 410)
-First Notice Published: 22 Ill Reg 10949 - 6/26/98
-Expiration of Second Notice: 10/30/98

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13. Electric Reliability (83 Ill Adm Code 411)
-First Notice Published: 22 Ill Reg 10945 - 6/26/98
-Expiration of Second Notice: 10/30/98

14. Non-Discrimination in Affiliate Transactions for Electric Utilities (83 Ill Adm Code 450)
-First Notice Published: 22 Ill Reg 10947 - 6/26/98
-Expiration of Second Notice: 10/30/98

Education

15. Public Schools Evaluation, Recognition and Supervision (23 Ill Adm Code 1)
-First Notice Published: 22 Ill Reg 9404 - 6/5/98
-Expiration of Second Notice: 11/12/98

16. Certification (23 Ill Adm Code 25)

-First Notice Published: 22 Ill Reg 12427 - 7/17/98
-Expiration of Second Notice: 11/4/98

17. Insurance for Certified Employees (23 Ill Adm Code 56)
-First Notice Published: 22 Ill Reg 9402 - 6/5/98
-Expiration of Second Notice: 11/4/98

18. Temporary Relocation Expenses (23 Ill Adm Code 145)

-First Notice Published: 22 Ill Reg 7843 - 5/8/98
-Expiration of Second Notice: 11/12/98

19. Reading Improvement Program (23 Ill Adm Code 260)
-First Notice Published: 22 Ill Reg 12435 - 7/17/98
-Expiration of Second Notice: 11/4/98

20. School Technology Program (23 Ill Adm Code 575)

-First Notice Published: 22 Ill Reg 9464 - 6/5/98
-Expiration of Second Notice: 11/4/98

Environmental Protection Agency

21. Procedures for Reporting Releases of Livestock Waste from Lagoons (35 Ill Adm Code 580)
-First Notice Published: 22 Ill Reg 7091 - 4/24/98
-Expiration of Second Notice: 10/28/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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22. Brownfield Redevelopment Grant Program (35 Ill Adm Code 885)
-First Notice Published: 22 Ill Reg 10790 - 6/19/98
-Expiration of Second Notice: 10/23/98
- Housing Development Authority
23. Multifamily Rental Housing Mortgage Loan Program (47 Ill Adm Code 310)
-First Notice Published: 22 Ill Reg 14081 - 7/31/98
-Expiration of Second Notice: 11/7/98
- Human Services
24. General Administrative Provisions (89 Ill Adm Code 10)
-First Notice Published: 22 Ill Reg 11673 - 7/10/98
-Expiration of Second Notice: 11/8/98
25. Support Responsibility of Relatives (89 Ill Adm Code 20)
-First Notice Published: 22 Ill Reg 14064 - 7/31/98
-Expiration of Second Notice: 11/14/98
26. Grants (59 Ill Adm Code 103)
-First Notice Published: 22 Ill Reg 11677 - 7/10/98
-Expiration of Second Notice: 11/1/98
27. Temporary Assistance for Needy Families (89 Ill Adm Code 112)
-First Notice Published: 22 Ill Reg 10987 - 6/26/98
-Expiration of Second Notice: 11/1/98
28. Temporary Assistance for Needy Families (89 Ill Adm Code 112)
-First Notice Published: 22 Ill Reg 11290 - 7/6/98
-Expiration of Second Notice: 11/8/98
29. Temporary Assistance for Needy Families (89 Ill Adm Code 112)
-First Notice Published: 22 Ill Reg 11683 - 7/10/98
-Expiration of Second Notice: 11/14/98
30. Temporary Assistance for Needy Families (89 Ill Adm Code 112)
-First Notice Published: 22 Ill Reg 13286 - 7/24/98
-Expiration of Second Notice: 11/8/98
31. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 22 Ill Reg 13264 - 7/24/98
-Expiration of Second Notice: 11/8/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
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32. General Assistance (89 Ill Adm Code 114)
-First Notice Published: 22 Ill Reg 10973 - 6/26/98
-Expiration of Second Notice: 11/1/98
33. Medicaid Home and Community-Based Services Waiver Program for Individuals with Developmental Disabilities (59 Ill Adm Code 120)
-First Notice Published: 22 Ill Reg 11679 - 7/10/98
-Expiration of Second Notice: 11/1/98
34. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 22 Ill Reg 9654 - 6/12/98
-Expiration of Second Notice: 11/12/98
35. Audit Requirements (89 Ill Adm Code 507)
-First Notice Published: 22 Ill Reg 11667 - 7/10/98
-Expiration of Second Notice: 11/1/98
36. Award and Monitoring of Funds (77 Ill Adm Code 2030)
-First Notice Published: 22 Ill Reg 11669 - 7/10/98
-Expiration of Second Notice: 11/1/98
37. Subacute Alcoholism and Substance Abuse Treatment Services (77 Ill Adm Code 2090)
-First Notice Published: 22 Ill Reg 11681 - 7/10/98
-Expiration of Second Notice: 11/1/98
- Insurance
38. Individual and Group Life Insurance Policy Illustrations (50 Ill Adm Code 1406)
-First Notice Published: 22 Ill Reg 11685 - 7/10/98
-Expiration of Second Notice: 11/14/98
- Labor
39. Health and Safety (56 Ill Adm Code 350)
-First Notice Published: 22 Ill Reg 8283 - 5/15/98
-Expiration of Second Notice: 11/7/98
- Natural Resources
40. The Taking of Wild Turkeys - Spring Season (17 Ill Adm Code 710)
-First Notice Published: 22 Ill Reg 14110 - 7/31/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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- Expiration of Second Notice: 10/29/98
- 41. General Definitions (62 Ill Adm Code 1701)
 - First Notice Published: 22 Ill Reg 5207 - 3/20/98
 - Expiration of Second Notice: 10/30/98
- 42. Areas Designated by Act of Congress (62 Ill Adm Code 1761)
 - First Notice Published: 22 Ill Reg 5190 - 3/20/98
 - Expiration of Second Notice: 10/30/98
- 43. State Processes for Designating Areas Unsuitable for Surface Coal Mining Operations (62 Ill Adm Code 1764)
 - First Notice Published: 22 Ill Reg 5329 - 3/20/98
 - Expiration of Second Notice: 10/30/98
- 44. Requirements for Permits and Permit Processing (62 Ill Adm Code 1773)
 - First Notice Published: 22 Ill Reg 5299 - 3/20/98
 - Expiration of Second Notice: 10/30/98
- 45. Revision; Renewal; and Transfer, Assignment, or Sale of Permit Rights (62 Ill Adm Code 1774)
 - First Notice Published: 22 Ill Reg 5313 - 3/20/98
 - Expiration of Second Notice: 10/30/98
- 46. Permit Applications ■ Minimum Requirements for Legal, Financial, Compliance, and Related Information (62 Ill Adm Code 1778)
 - First Notice Published: 22 Ill Reg 5294 - 3/20/98
 - Expiration of Second Notice: 10/30/98
- 47. Requirements for Permits for Special Categories of Mining (62 Ill Adm Code 1785)
 - First Notice Published: 22 Ill Reg 5306 - 3/20/98
 - Expiration of Second Notice: 10/30/98
- 48. Bonding and Insurance Requirements for Surface Coal Mining and Reclamation Operations (62 Ill Adm Code 1800)
 - First Notice Published: 22 Ill Reg 5195 - 3/20/98
 - Expiration of Second Notice Period: 10/30/98
- 49. Permanent Program Performance Standards - Surface Mining Activities (62 Ill Adm Code 1816)
 - First Notice Published: 22 Ill Reg 5264 - 3/20/98
 - Expiration of Second Notice: 10/30/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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- 50. Permanent Program Performance Standards - Underground Mining Operations (62 Ill Adm Code 1817)
 - First Notice Published: 22 Ill Reg 5235 - 3/20/98
 - Expiration of Second Notice: 10/30/98
- 51. Special Program Performance Standards - Operations on Prime Farmland (62 Ill Adm Code 1823)
 - First Notice Published: 22 Ill Reg 5323 - 3/20/98
 - Expiration of Second Notice: 10/30/98
- 52. Special Permanent Program Performance Standards - Operations on High Capability Lands (62 Ill Adm Code 1825)
 - First Notice Published: 22 Ill Reg 5319 - 3/20/98
 - Expiration of Second Notice: 10/30/98
- 53. Department Inspections (62 Ill Adm Code 1840)
 - First Notice Published: 22 Ill Reg 5201 - 3/20/98
 - Expiration of Second Notice: 10/30/98
- 54. Administrative and Judicial Review (62 Ill Adm Code 1847)
 - First Notice Published: 22 Ill Reg 5183 - 3/20/98
 - Expiration of Second Notice: 10/30/98
- 55. Training, Examination and Certification of Blasters (62 Ill Adm Code 1850)
 - First Notice Published: 22 Ill Reg 5336 - 3/20/98
 - Expiration of Second Notice: 10/30/98
- Pollution Control Board
- 56. Effluent Standards (35 Ill Adm Code 304)
 - First Notice Published: 22 Ill Reg 9657 - 6/12/98
 - Expiration of Second Notice: 11/14/98
- 57. Livestock Waste Regulations (35 Ill Adm Code 506)
 - First Notice Published: 22 Ill Reg 10102 ■ 6/12/98
 - Expiration of Second Notice: 11/15/98
- Professional Regulation
- 58. Dietetic and Nutrition Services Practice Act (68 Ill Adm Code 1245)
 - First Notice Published: 22 Ill Reg 12454 ■ 7/17/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

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- Expiration of Second Notice: 10/25/98
59. Professional Boxing and Wrestling Act (68 Ill Adm Code 1370)
-First Notice Published: 22 Ill Reg 14221 - 7/31/98
-Expiration of Second Notice: 11/13/98
- Public Aid
60. Medical Assistance Programs (89 Ill Adm Code 120)
-First Notice Published: 22 Ill Reg 12476 - 7/17/98
-Expiration of Second Notice: 11/7/98
61. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 22 Ill Reg 14239 - 7/31/98
-Expiration of Second Notice: 11/8/98
62. Specialized Health Care Delivery Systems (89 Ill Adm Code 146)
-First Notice Published: 22 Ill Reg 12499 - 7/17/98
-Expiration of Second Notice: 10/30/98
63. Hospital Services (89 Ill Adm Code 148)
-First Notice Published: 22 Ill Reg 14613 - 8/14/98
-Expiration of Second Notice: 11/12/98
64. Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill Adm Code 149)
-First Notice Published: 22 Ill Reg 12468 - 7/17/98
-Expiration of Second Notice: 10/30/98
65. Long Term Care Reimbursement Changes (89 Ill Adm Code 153)
-First Notice Published: 22 Ill Reg 12474 - 7/17/98
-Expiration of Second Notice: 10/30/98
- Public Health
66. Control of Sexually Transmissible Diseases Code (77 Ill Adm Code 693)
-First Notice Published: 22 Ill Reg 4302 - 2/27/98
-Expiration of Second Notice: 11/12/98
67. AIDS Confidentiality and Testing Code (77 Ill Adm Code 697)
-First Notice Published: 22 Ill Reg 4277 - 2/27/98
-Expiration of Second Notice: 11/12/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
OCTOBER 20, 1998

68. Illinois Plumbing Code (77 Ill Adm Code 890)
-First Notice Published: 22 Ill Reg 6513 - 4/10/98
-Expiration of Second Notice: 11/12/98
- Revenue
69. Senior Citizens and Disabled Persons Property Tax Relief and Pharmaceutical Assistance Act (86 Ill Adm Code 530)
-First Notice Published: 22 Ill Reg 7559 - 5/1/98
-Expiration of Second Notice: 11/1/98
- Secretary of State
70. Commercial Driver Training Schools (92 Ill Adm Code 1060)
-First Notice Published: 22 Ill Reg 14255 - 7/31/98
-Expiration of Second Notice: 10/31/98
- Transportation
71. Prequalification of Contractors and Issuance of Plans and Proposals (44 Ill Adm Code 650)
-First Notice Published: 22 Ill Reg 9505 - 6/5/98
-Expiration of Second Notice: 11/7/98
72. Contract Procurement (44 Ill Adm Code 660)
-First Notice Published: 22 Ill Reg 9470 - 6/5/98
-Expiration of Second Notice: 11/7/98
- EMERGENCY AND PEREMPTORY RULEMAKINGS**
- Education
73. Procurement (23 Ill Adm Code 165) (Emergency)
-Notice Published: 22 Ill Reg 17351 - 10/2/98
- Human Services
74. Individual Care Grants for Mentally Ill Children (59 Ill Adm Code 135) (Emergency)
-Notice Published: 22 Ill Reg 17354 - 10/2/98
75. Temporary Assistance for Needy Families (89 Ill Adm Code 112) (Emergency)

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-Notice Published: 22 Ill Reg 18082 - 10/9/98

Natural Resources

76. Public Museum Capital Grants Program (23 Ill Adm Code 3200) (Emergency)

-Notice Published: 22 Ill Reg 17381 - 10/2/98

77. Conservation Reserve Enhancement Program (CREP) (17 Ill Adm Code 1515) (Emergency)

-Notice Published: 22 Ill Reg 18116 - 10/9/98

Public Aid

78. Practice in Administrative Hearings (89 Ill Adm Code 104) (Emergency)

-Notice Published: 22 Ill Reg 17113 - 9/25/98

79. Medical Assistance Programs (89 Ill Adm Code 120) (Emergency)

-Notice Published: 22 Ill Reg 16640 - 9/18/98

80. Child Support Enforcement (89 Ill Adm Code 160) (Emergency)

-Notice Published: 22 Ill Reg 17046 - 9/25/98

Student Assistance Commission

81. Illinois Prepaid Tuition Program (23 Ill Adm Code 2775) (Emergency)

-Notice Published: 22 Ill Reg 16652 - 9/18/98

EXEMPT RULEMAKINGS

Pollution Control Board

83. Hazardous Waste Injection Restrictions (35 Ill Adm Code 738)

-Proposed Date: 6/12/98

-Adopted Date: 10/9/98

83. Hazardous Waste Management System: General (35 Ill Adm Code 720)

-Proposed Date: 6/12/98

-Adopted Date: 10/9/98

84. Identification and Listing of Hazardous Waste (35 Ill Adm Code 821)

-Proposed Date: 6/12/98

-Adopted Date: 10/9/98

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85. Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill Adm Code 725)

-Proposed Date: 6/12/98

-Adopted Date: 10/9/98

86. Land Disposal Restrictions (35 Ill Adm Code 728)

-Proposed Date: 6/12/98

-Adopted Date: 10/9/98

87. RCRA Permit Program (35 Ill Adm Code 703)

-Proposed Date: 6/12/98

-Adopted Date: 10/9/98

88. Standards Applicable to Generators of Hazardous Waste (35 Ill Adm Code 722)

-Proposed Date: 6/12/98

-Adopted Date: 10/9/98

89. Standards Applicable to Transporters of Hazardous Waste (35 Ill Adm Code 723)

-Proposed Date: 6/12/98

-Adopted Date: 10/9/98

90. Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities (35 Ill Adm Code 724)

-Proposed Date: 6/12/98

-Adopted Date: 10/9/98

91. Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities (35 Ill Adm Code 726)

-Proposed Date: 6/12/98

-Adopted Date: 10/9/98

AGENCY RESPONSE

Revenue

92. Retailers' Occupation Tax (86 Ill Adm Code 130)
-First Published: 22 Ill Reg 2070 - 1/23/98
-Objection Date: 6/16/98
-Response: Refusal

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of September 28, 1998 through October 5, 1998 and have been scheduled for review by the Committee at its October 20, 1998 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start Of First Notice	JCAR Meeting
11/12/98	Department of Central Management Services/Governor's Travel Control Board, Travel (80 Ill Adm Code 2800)	7/10/98 22 Ill Reg 11665	10/20/98
11/12/98	State Board of Education, Public Schools Evaluation, Recognition and Supervision (23 Ill Adm Code 1)	6/5/98 22 Ill Reg 9404	10/20/98
11/12/98	State Board of Education, Temporary Relocation Expenses (23 Ill Adm Code 145)	5/8/98 22 Ill Reg 7843	10/20/98
11/12/98	Department of Human Services, Food Stamps (89 Ill Adm Code 121)	6/12/98 22 Ill Reg 9654	10/20/98
11/12/98	Department of Public Health, Control of Sexually Transmissible Diseases Code (77 Ill Adm Code 693)	2/27/98 22 Ill Reg 4302	10/20/98
11/12/98	Department of Public Health, AIDS Confidentiality and Testing Code (77 Ill Adm Code 697)	2/27/98 22 Ill Reg 4277	10/20/98
11/12/98	Department of Public Health, Illinois Plumbing Code (77 Ill Adm Code 890)	4/10/98 22 Ill Reg 6513	10/20/98
11/12/98	Department of Public Aid, Hospital Services (89 Ill Adm Code 148)	8/14/98 22 Ill Reg 14613	10/20/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

Date	Subject	Date	Regulation
11/13/98	Office of Banks and Real Estate, Licensing and Regulation of Pawnbrokers (38 Ill Adm Code 360)	7/31/98 22 Ill Reg 14122	10/20/98
11/13/98	Department of Professional Regulation, Professional Boxing and Wrestling Act (68 Ill Adm Code 1370)	7/31/98 22 Ill Reg 14221	10/20/98
11/14/98	Department of Human Services, Support Responsibility of Relatives (89 Ill Adm Code 20)	7/31/98 22 Ill Reg 14064	10/20/98
11/14/98	Department of Human Services, Temporary Assistance for Needy Families (89 Ill Adm Code 112)	7/10/98 22 Ill Reg 11683	10/20/98
11/14/98	Department of Insurance, Individual and Group Life Insurance Policy Illustrations (50 Ill Adm Code 1406)	7/10/98 22 Ill Reg 11685	10/20/98
11/14/98	Pollution Control Board, Effluent Standards (35 Ill Adm Code 304)	6/12/98 22 Ill Reg 9657	10/20/98
11/15/98	Department of Central Management Services, Business Enterprise Program: Contracting with Businesses Owned and Controlled by Minorities, Females and Persons with Disabilities (44 Ill Adm Code 10)	5/29/98 22 Ill Reg 8933	10/20/98
11/15/98	Pollution Control Board, Livestock Waste Regulations (35 Ill Adm Code 506)	6/12/98 22 Ill Reg 10102	10/20/98
11/15/98	Department of Children and Family Services, Grants-In-Aid (89 Ill Adm Code 360)	6/26/98 22 Ill Reg 10941	10/20/98

Rules acted upon during the period from October 16 (Issue 42, 1998) through December 28, 1998 (Issue 52) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatala@ccgate.sos.state.il.us (Internet address).

PROPOSED

2-1025R-42
2-1026R-42
2-1175R-42
2-1175-42
2-1176R-42
2-1176-42
2-1276R-42
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32-410-42
35-703-42
35-720-42
35-721-42
35-724-42
35-725-42
35-728-42
35-738-42
35-739-42
62-120R-42
68-1220-42
68-1315-42
89-515-42
89-681-42
89-682-42

ADOPTED

35-276-42
50-4201-42
77-672-42
77-750-42
77-2055-42
80-1650-42
86-100-42
89-113-42
89-117-42
89-140-42
89-300-42
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89-684-42
89-686-42
89-716-42

PEREMPTORY

80-310-42
89-165-42

	ACTION CODES
	P - Proposed Rule
A - Adopted Rule	PF - Prohibited Filing Order by JCAR*
AR - Adopted Repealer	PP - Peremptory or Court Ordered Rules
C - Notice of Corrections	PR - Proposed Repealer
CC - Codification Changes	R - Refusal to meet JCAR* Objection
E - Emergency Rule	RC - Statement of Recommendation
ER - Emergency Repealer	S - Suspension ordered by JCAR*
M - Modification to meet JCAR* Objections	W - Withdrawal to meet JCAR*
O - JCAR* Statement Of Objections	MR - Modification and Refusal
RQ - Request for Correction	
EC - Expedited Corrections	*Joint Committee on Administrative Rules

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

AGING, DEPARTMENT ON

89 Ill. Adm. Code 240 Community Care Program (P-9879/97;A-3415)
89 Ill. Adm. Code 220 General Programmatic Requirements (P-9890/97;A-3426)
89 Ill. Adm. Code 230 Older Americans Act Programs (P-3454/97;A-3454)

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-15783)
8 Ill. Adm. Code 75 Bovine Brucellosis (P-15794)
8 Ill. Adm. Code 3 Civil Administrative Code (P-6265;A-11698)
8 Ill. Adm. Code 20 Definitions (P-15801)
8 Ill. Adm. Code 85 Diseased Animals (P-15808)
8 Ill. Adm. Code 116 Equine Infectious Anemia Control (P-12024/97;W-1602)
68 Ill. Adm. Code 590 Feeder Swine Dealer Licensing (P-15817)
8 Ill. Adm. Code 55 Hatcheries, Poultry Flocks, And Produce Thereof (P-15820)
8 Ill. Adm. Code 80 Illinois Bovidae And Cervidae Tuberculosis Eradication Act (P-15825)
8 Ill. Adm. Code 115 Illinois Pseudorabies Control Act (P-15831)
8 Ill. Adm. Code 270 Illinois State Fair, And Duquoin State Fair, Non-Fair Space Rental And The General Operation Of The State Fairgrounds (P-6280;A-11374)
8 Ill. Adm. Code 258 Land Application Authorization Program (P-10927)

8 Ill. Adm. Code 40 Livestock Auction Markets (P-15838)
68 Ill. Adm. Code 610 Livestock Dealer Licensing (P-15843)
8 Ill. Adm. Code 125 Meat And Poultry Inspection Act (PP-3602)
(PP-5740) (PP-9374) (P-16391)
8 Ill. Adm. Code 755 Payment Of Eligible Claims Of Soil And Water
Conservation District Employees Unpaid By
Mid-Continent Medical Benefit Trust (P-2005)
(E-2289) (P-9261/97;A-9261)
8 Ill. Adm. Code 100 Swine Brucellosis (P-15847)
8 Ill. Adm. Code 105 Swine Disease Control And Eradication Act
(P-15850)
8 Ill. Adm. Code 600 Weights And Measures Act (P-13209/97;A-1141)

ATTORNEY GENERAL

14 Ill. Adm. Code 485 Immigration Services (P-7714;A-15568)
89 Ill. Adm. Code 1100 Programmatic And Fiscal Requirements For
Administering Funds Under The Violent Crime
Victims Assistance Act (P-3218;A-17438)
44 Ill. Adm. Code 1300 Standard Procurement (P-6288;A-15192) (E-12013)

BANKS AND REAL ESTATE, OFFICE OF

38 Ill. Adm. Code 392 Hearings Before The Office Of Banks And Real
Estate (P-8239;A-14723)
38 Ill. Adm. Code 356 Reimbursement To Banks And Corporate Fiduciaries
for Finance Records (P-8245;A-14729)
38 Ill. Adm. Code 300 Reverse Mortgage Loans (P-8248;A-14732)

BOARD OF SAVINGS INSTITUTIONS

38 Ill. Adm. Code 500 Board Of Savings Institutions
(P-16941/97;A-6642)

BOARDS OF TRUSTEES OF ILLINOIS PUBLIC UNIVERSITIES

44 Ill. Adm. Code 525 Joint Rules Of The Illinois Public Universities:
Procurement And Bidding (ER-14941)

CAPITAL DEVELOPMENT BOARD

44 Ill. Adm. Code 950 Bidder Responsibility (P-14003)
71 Ill. Adm. Code 100 Hearing Procedures (P-14018)
44 Ill. Adm. Code 980 Prequalification Of Architects And Engineers
(P-12779/97;AR-1152) (P-12764/97;A-1154)
(P-14022)

44 Ill. Adm. Code 910 Procurement Practices (P-12785/97;A-1169)
(P-14031) (P-14033) (ER-14333) (E-14346)
(O-16035) (M-17122)

44 Ill. Adm. Code 1000 Selection Of Architects/Engineers (A/E)
(P-12790/97;A-1174) (P-12797/97;A-1176)
71 Ill. Adm. Code 40 Standards For Award Of Grants Elementary And
Secondary Schools Capital Assistance Program
(E-2597) (P-4534;A-9518) (RC-9599)

CARNIVAL-AMUSEMENT SAFETY BOARD

56 Ill. Adm. Code 6000 Carnival And Amusement Ride Inspection Law
(P-3781/97;W-4499)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

44 Ill. Adm. Code 5000 Acquisition, Management And Disposal Of Real
Property (P-8053) (E-12569)
44 Ill. Adm. Code 10 Business Enterprise Program: Contracting With
Businesses Owned And Controlled By Minorities,
Females And Persons With Disabilities (P-8933)
(E-12584)

80 Ill. Adm. Code 305 Extensions Of Jurisdiction (P-15858)

44 Ill. Adm. Code 5010 Marking, Inventory, Transfer And Disposal Of
State-Owned Personal Property
(P-14699/97;A-6931)

80 Ill. Adm. Code 302 Merit And Fitness (P-7727;A-14735)
80 Ill. Adm. Code 310 Pay Plan (PP-1593) (P-12803;97;A-2580) (PP-4326)
(PP-5108) (PP-5749) (P-14648/97;A-6204)
(P-15279/97;A-6304) (PP-7053) (PP-7320)
(P-7385;A-16158) (P-7692) (P-12422) (E-12607)
(PP-15489) (P-16397)

44 Ill. Adm. Code 1 Standard Procurement (PR-8067) (P-8154)
(ER-12632) (E-12726)

80 Ill. Adm. Code 2800 Travel (P-11665) (E-12082)

80 Ill. Adm. Code 3000 Travel Regulation Council, The (P-4550;A-11713)

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND BOARDS

44 Ill. Adm. Code 526 Procurement Rules Of The Chief Procurement
Officer For Public Institutions Of Higher
Education And The Illinois Public Universities
(E-13905)

CHIEF PROCUREMENT OFFICER FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION AND THE BOARD

44 Ill. Adm. Code 526 Procurement Rules Of The Chief Procurement
Officer For Public Institutions Of Higher
Education And The Board Of Trustees Of
Illinois Public Universities (P-10719)

CHIEF PROCUREMENT OFFICERS FOR PUBLIC INSTITUTIONS OF HIGH EDUCATION

44 Ill. Adm. Code 526 Procurement Rules Of The Chief Procurement
Officer For Public Institutions Of Higher
Education And Illinois Public Universities

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

89 Ill. Adm. Code 304 Access To And Eligibility For Child Welfare
Services (P-13220/97)
89 Ill. Adm. Code 303 Access To And Eligibility For Day Care Services
(PR-8702/97;AR-6937)

92 Ill. Adm. Code 1730	Imposition Of Sanctions Including The Suspension Or Revocation Of Licenses And/or The Assessment Of Civil Penalties (PR-13955/97;AR-16198)
83 Ill. Adm. Code 418	Municipal Electric Tax Rates (P-7083;A-16446) (E-7304)
83 Ill. Adm. Code 450	Non-Discrimination In Affiliate Transactions For Electric Utilities (P-10947) (E-11204)
83 Ill. Adm. Code 772	Pay-Per-Call Services (P-8738/97;A-1192)
92 Ill. Adm. Code 1710	Relocation Towing (P-13960/97;A-16200)
83 Ill. Adm. Code 595	Reports Of Accidents Or Incidents By Persons Engaged In The Transportation Of Gas, Or Who Own Or Operate Gas Pipeline Facilities (P-11262)
92 Ill. Adm. Code 1740	Standards For The Assessment Of Civil Penalties (General Order 4 (R)) (PR-13986/97;AR-16226)
83 Ill. Adm. Code 410	Standards Of Service For Electric Utilities (P-10949) (E-11215)
83 Ill. Adm. Code 745	Tariff Filings (P-10951)
83 Ill. Adm. Code 766	Telecommunications (P-12886/97;A-3460)
83 Ill. Adm. Code 757	Telephone Assistance Programs (P-16212/97;A-8810)
83 Ill. Adm. Code 415	Uniform System Of Accounts For Electric Utilities (P-9926/97;A-6647) (P-16091)
83 Ill. Adm. Code 505	Uniform System Of Accounts For Gas Utilities (P-15072/97;A-9543) (P-16095)
92 Ill. Adm. Code 1720	Uniform System Of Accounts For Relocators (PR-13990/97;AR-16228)
83 Ill. Adm. Code 650	Uniform System Of Accounts For Sewer Utilities (P-1;A-11722)
83 Ill. Adm. Code 605	Uniform System Of Accounts For Water Utilities (P-16215/97;A-11742)

COMMUNITY COLLEGE BOARD, ILLINOIS

23 Ill. Adm. Code 1501	Administration Of The Illinois Public Community College Act (P-5968/97;A-2087) (RC-11645) (P-8745/97;A-17472)
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COMPTROLLER, OFFICE OF THE

44 Ill. Adm. Code 1120	Standard Procurement (P-8955) (E-12087)
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CORRECTIONS, DEPARTMENT OF

20 Ill. Adm. Code 530	Authorized Absences (P-16100)
20 Ill. Adm. Code 505	Closed Maximum Security Facility (P-12274/97;A-1199)
20 Ill. Adm. Code 504	Discipline And Grievances (P-12281/97;A-1206)
20 Ill. Adm. Code 720	Municipal Jail And Lockup Standards (P-8608)
20 Ill. Adm. Code 106	Research And Evaluation (P-16118)
20 Ill. Adm. Code 455	Work Release Programs (P-16122)

89 Ill. Adm. Code 316	Administrative Case Reviews And Court Hearings (P-8597)
89 Ill. Adm. Code 309	Adoption Services For Children For Whom The Department Of Children And Family Services Is Legally Responsible (P-6349/97;A-8769)
89 Ill. Adm. Code 305	Client Service Planning (PR-7736)
89 Ill. Adm. Code 431	Confidentiality Of Personal Information Of Persons Served By The Department Of Children And Family Services (P-7759)
89 Ill. Adm. Code 437	Department Of Children And Family Services Employee Conflict Of Interest (P-8709/97;A-5484) (P-11254)
89 Ill. Adm. Code 352	Financial Responsibility Of Parents Or Guardians Of The Estates Of Children (P-8726/97;A-6939)
89 Ill. Adm. Code 360	Grants-In-Aid (P-10941)
89 Ill. Adm. Code 328	Interstate Placement Of Children (P-16691)
89 Ill. Adm. Code 401	Licensing Standards For Child Welfare Agencies (P-6286/97;A-10329)
89 Ill. Adm. Code 407	Licensing Standards For Day Care Centers (P-169/97;A-1728)
89 Ill. Adm. Code 402	Licensing Standards For Foster Family Homes (P-15821/97;A-205)
89 Ill. Adm. Code 315	Permanency Planning (P-7770)
89 Ill. Adm. Code 300	Reports Of Child Abuse And Neglect (P-7802)
89 Ill. Adm. Code 302	Services Delivered By The Department (P-15051/97;A-7140) (E-7289) (P-6375/97;A-8803)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

14 Ill. Adm. Code 510	Illinois Promotion Act Programs (P-2007;A-10394)
56 Ill. Adm. Code 2660	Job Training And Economic Development Demonstration Program (P-12063/97;A-1182)
14 Ill. Adm. Code 550	Local Tourism And Convention Bureau Program (P-1062;A-10425)
47 Ill. Adm. Code 110	State Administration Of The Federal Community Development Block Grant Program For Small Cities (P-6134/97;A-1910)
56 Ill. Adm. Code 2665	Welfare-To-Work Block Grant Program (P-2470) (E-2612)

COMMERCE COMMISSION, ILLINOIS

83 Ill. Adm. Code 416	Accounting For Non-Public Utility Business Of Electric Utilities (P-2039;A-9535) (E-2318)
83 Ill. Adm. Code 506	Accounting For Non-Public Utility Business Of Gas Utilities (P-2042;A-9539) (E-2323)
83 Ill. Adm. Code 411	Electric Reliability (P-10945) (E-1177)
83 Ill. Adm. Code 421	Environmental Disclosure (P-14366)

ILLINOIS REGISTER			ILLINOIS REGISTER		
Vol. 22, Issue #42	CUMULATIVE INDEX		Vol. 22, Issue #42	CUMULATIVE INDEX	
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CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS			CRIMINAL JUSTICE INFORMATION AUTHORITY, ILLINOIS		
20 Ill. Adm. Code 1570	Fees For Processing Requests For Conviction Information (P-21;A-9557) (E-975)		23 Ill. Adm. Code 50	Evaluation Of Certified School District Employees In Contractual Continued Service (P-1081;A-12507)	
DEPARTMENT OF HUMAN SERVICES			23 Ill. Adm. Code 180	Health/Life Safety Code For Public Schools (P-4564;A-12514)	
89 Ill. Adm. Code 557	Application (P-14035)		23 Ill. Adm. Code 56	Insurance For Certified Employees (P-9402) (E-9580)	
89 Ill. Adm. Code 507	Audit Requirements (P-11667) (E-12154)		23 Ill. Adm. Code 451	Private Business And Vocational Schools (P-15303/97;A-7584)	
77 Ill. Adm. Code 2030	Award And Monitoring Of Funds (P-11669) (E-12158)		23 Ill. Adm. Code 165	Procurement (E-17351)	
89 Ill. Adm. Code 716	Case Management Services To Persons With AIDS (PR-7820)		23 Ill. Adm. Code 1	Public Schools Evaluation, Recognition And Supervision (P-9404)	
89 Ill. Adm. Code 50	Child Care (P-12425) (E-12816)		23 Ill. Adm. Code 275	Pupil Transportation (P-4583;A-12533)	
89 Ill. Adm. Code 165	Collections And Recoveries (P-10969;A-18932)		23 Ill. Adm. Code 260	Reading Improvement Program (P-12435)	
59 Ill. Adm. Code 121	Early Intervention Program (P-6673/97;A-7962)		23 Ill. Adm. Code 151	School Construction Program (P-2485;A-12538) (E-2616) (W-4500) (O-4506) (RC-4511) (E-6238) (O-6782) (W-7703) (RC-8040)	
89 Ill. Adm. Code 10	General Administrative Provisions (P-11673)		23 Ill. Adm. Code 575	School Technology Program (P-9464) (E-9591)	
89 Ill. Adm. Code 114	General Assistance (P-10973) (P-11279)		23 Ill. Adm. Code 170	Sprinkler Systems (PR-4588;AR-12548)	
59 Ill. Adm. Code 103	Grants (P-11677) (E-12176)		23 Ill. Adm. Code 145	Temporary Relocation Expenses (P-7843)	
59 Ill. Adm. Code 120	Medicaid Home And Community-Based Services Waiver Program For Individuals With Developmental Disabilities (P-11679) (E-12185)		ELECTIONS, STATE BOARD OF		
59 Ill. Adm. Code 119	Minimum Standards For Certification Of Developmental Training Programs (P-7086;A-16244) (P-6680/97;A-7978) (P-14049)		26 Ill. Adm. Code 204	Approval Of Voting Systems (P-7853)	
59 Ill. Adm. Code 113	Minimum Standards For Licensure Of Community Residential Alternatives (PR-6354;AR-16249) (W-6780)		26 Ill. Adm. Code 201	Established Political Party And Independent Candidate Nominating Petitions (P-7858)	
89 Ill. Adm. Code 676	Program Description (P-7827)		26 Ill. Adm. Code 202	New Political Party Nominating Petitions (P-7862)	
89 Ill. Adm. Code 686	Provider Requirements, Type Services, And Rates Of Payment (P-8272;A-18938)		26 Ill. Adm. Code 216	Registration Of Voters (P-7866)	
89 Ill. Adm. Code 684	Service Planning And Provision (P-8634;A-18948)		EMERGENCY MANAGEMENT AGENCY, ILLINOIS		
89 Ill. Adm. Code 20	Support Responsibility Of Relatives (P-14064)		29 Ill. Adm. Code 620	Emergency Planning And Community Right-To-Know (P-7789/97;A-1294)	
89 Ill. Adm. Code 112	Temporary Assistance For Needy Families (P-4354;A-14420) (E-4466) (P-6024;A-14744) (P-9102;A-16256) (P-10987) (P-11290) (P-11683) (E-12197) (P-13286)		EMPLOYMENT SECURITY, DEPARTMENT OF		
89 Ill. Adm. Code 650	Vending Facility Program For The Blind (P-14073)		56 Ill. Adm. Code 2770	Determination Of Unemployment Contributions (P-17180)	
EASTERN ILLINOIS UNIVERSITY, BOARD OF TRUSTEES			ENVIRONMENTAL PROTECTION AGENCY		
2 Ill. Adm. Code 6000	Organization And Public Information (A-9560)		35 Ill. Adm. Code 186	Accreditation Of Laboratories For Drinking Water, Wastewater And Hazardous Waste Analysis (P-6979/97;A-5546)	
EDUCATION, STATE BOARD OF			35 Ill. Adm. Code 885	Brownfield Redevelopment Grant Program (P-10790)	
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98-356 Flag Day		15508	98-400 Baton Twirling Week		16069
98-357 U.S. Team Sails Across Russia Day		15508	98-401 Lemont Heritage Fest Days		16070
98-358 Carbondale State Championship Barbeque Cookoff Days		15508	98-402 Ostrich Awareness Week		16077
98-359 Father's Day		15509	98-403 Bill Garver Day		16078
98-360 Michelle and Chris Cingrani Day		15509	98-404 Ecuador Day		16078
98-361 Nathan Curtis Day		16387	98-405 Peruvian Day		16078
98-362 William Graham Day		16387	98-406 Sigma Alpha Epsilon Month		16079
98-363 Senator Arthur Berman Day		16388	98-407 Kenneth B. Obrecht Appreciated		16079
98-364 Senator Howard Carroll Day		16388	98-408 The Guardian Month		16080
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98-366 Bethel African Methodist Episcopal Church Day		15738	98-410 Fighting Blindness Awareness Day		16081
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98-368 Chicago Bulls Sixth World Championship Day		15739	98-412 Tom Faulkner Day		16082
98-369 International Festival of Life		0	98-413 Yellow Ribbon Youth Suicide Awareness And Prevention Week		16082
98-370 Little People's Golf Championships Association Days		15740	98-414 Breastfeeding Promotion Month		16083
98-371 Meeting Professionals Week		15740	98-415 Prince Hall Masonic Family Week		16083
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98-376 Festa Italiana Days		15743	98-420 ADA: Promoting Independence Day		16085
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98-378 Delno McKenzie Baker Day		15744	98-422 American Romanian Orthodox Youth Days		16086
98-379 Hemochromatosis Screening Awareness Month		15744	98-423 Bond County Fair Day		16087
98-380 Joanne Perkins Day		16389	98-424 Ellsworth Brown Day		16087
98-381 Park Gables Apartment Homes Day		16390	98-425 Parents Day		16087
98-382 C. Sidney Stone Day		15745	98-426 Children's Film Week		16088
98-383 Diary Month		0	98-427 Harold Albert "Al" Sherline Day		16088
98-384 Eddy Flute Choir Days		15746	98-428 Mary I. Foster Day		16089
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98-386 Amateur Radio Week		15746	98-431 Domestic Violence Awareness Month		16091
98-387 Clean Boating Week		15747	98-432 Fresh Vegetable Month		16091
98-388 Court Reporters Week		15747	98-433 Ronald J. Gidwitz Day		16091
98-389 German Valley Days		15748	98-434 IAHCE Week		16092
98-390 Illinois Paralegal Association and Paralegal/Legal Assistant Day		15748	98-435 Bud and Nan Kuntzman Day		16671
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			98-438 Chase Corporate Challenge Day		16672
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98-444 Unity Month		16675
98-445 Illinois High School Theater Festival Days		16676
98-446 Maxine Pohlil Day		16676
98-447 Superintendent George Liggins Day		16677
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98-449 Polish Roman Catholic Union Day		16677
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98-451 American Business Women's Day		16679
98-452 Dystonis Awareness Week		0
98-453 The Year of Older Persons		16680
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98-459 Ralph Spencer Day		16683
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98-461 Firefighters Appreciation Month		16684
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98-464 Leukemia Awareness Month		16685
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98-475 Southern Gospel Music Month		17143
98-476 American College of Chiropractic Consultants Month		17143
98-477 Chamber of Commerce Week		17144
98-478 National Spinal Cord Injury Association Days		17144
98-479 Darrell and Ursula Beck Day		17145
98-480 Fifth Marine Division Association Day		17145
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This Sections Affected Index lists, by Title, each Section of a Part on which rulemaking has occurred in this volume (calendar year) of the *Illinois Register*. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash., e.g. 11 III. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/97; A-6520). The codes are listed below.

TYPE OF RULE MAKING

am = amend to existing Section
n = New Section
r = repeal of existing Section
re = reclassified
= renumbered

ACTION CODE

P = Proposed Rule
A = Adopted Rule
PF = Prohibited Filing
E = Emergency
S = Suspension
O = ICAR Objection
PP = Peremptory
F = Failure to Remedy Objections
M = Modification
W = Withdrawal
RC = Recommendations
RS = Response
CC = Codification Changes
EC = Expedited Correction
RQ = Request for Correction
C = Correction
R = Refusal

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TITLE 2

565.10	n	(P-5829;A-12565)	
565.20	n	(P-5829;A-12565)	
565.30	n	(P-5829;A-12565)	
565.40	n	(P-5829;A-12565)	

TITLE 1

100.110	am	(P-5416;A-11532)	
100.130	am	(P-5416;A-11532)	

100.140	am	(P-5416;A-11532)	
100.150	am	(P-5416;A-11532)	
100.200	am	(P-5416;A-11532)	
100.220	am	(P-5416;A-11532)	
100.240	am	(P-5416;A-11532)	
100.300	am	(P-5416;A-11532)	
100.340	am	(P-5416;A-11532)	
100.370	am	(P-5416;A-11532)	
100.410	am	(P-5416;A-11532)	
100.450	am	(P-5416;A-11532)	
100.500	am	(P-5416;A-11532)	
100.530	am	(P-5416;A-11532)	
100.545	am	(P-5416;A-11532)	
100.610	am	(P-5416;A-11532)	
100.670	am	(P-5416;A-11532)	
100.710	am	(P-5416;A-11532)	
100.800	am	(P-5416;A-11532)	
100.1100	am	(P-5416;A-11532)	
100.1110	am	(P-5416;A-11532)	
100.Ap.A	am	(P-5416;A-11532)	
100.II.A	am	(P-5416;A-11532)	
100.II.B	am	(P-5416;A-11532)	
100.II.C	am	(P-5416;A-11532)	
100.II.D	am	(P-5416;A-11532)	
100.II.E	am	(P-5416;A-11532)	
100.II.F	r	(P-5416;A-11532)	
100.II.G	am	(P-5416;A-11532)	
100.II.H	am	(P-5416;A-11532)	
100.II.I	am	(P-5416;A-11532)	
100.Ap.C	am	(P-5416;A-11532)	
100.II.A	am	(P-5416;A-11532)	
100.II.C	am	(P-5416;A-11532)	
100.II.D	am	(P-5416;A-11532)	
100.II.E	am	(P-5416;A-11532)	
100.II.F	r	(P-5416;A-11532)	
100.II.G	am	(P-5416;A-11532)	
100.II.H	am	(P-5416;A-11532)	
100.II.I	am	(P-5416;A-11532)	
100.Ap.C	am	(P-5416;A-11532)	
100.II.A	am	(P-5416;A-11532)	
100.II.D	am	(P-5416;A-11532)	
100.Ap.E	am	(P-5416;A-11532)	
100.II.A	am	(P-5416;A-11532)	
100.II.B	am	(P-5416;A-11532)	
100.II.C	am	(P-5416;A-11532)	
100.II.D	am	(P-5416;A-11532)	
100.II.E	am	(P-5416;A-11532)	
100.II.H	n	(P-5416;A-11532)	

TITLE 8

3.10	am	(P-6265;A-11698)	
3.20	am	(P-6265;A-11698)	
3.30	am	(P-6265;A-11698)	
3.40	am	(P-6265;A-11698)	
3.50	am	(P-6265;A-11698)	

Title 2 (cont'd)

565.50	n	(P-5829;A-12565)	3.60	am	(P-6265;A-11698)
565.55	n	(P-5829;A-12565)	3.60	am	(P-6265;A-11698)
565.60	n	(P-5829;A-12565)	3.90	am	(P-6265;A-11698)
651.101	am	(P-1119;A-15626)	3.100	am	(P-6265;A-11698)
651.103	am	(P-1119;A-15626)	3.110	am	(P-6265;A-11698)
651.103	am	(P-1119;A-15626)	3.120	am	(P-6265;A-11698)
651.Ap.B	am	(P-1119;A-15626)	3.130	am	(P-6265;A-11698)
926.210	am	(P-1346)	3.140	am	(P-6265;A-11698)
961.10	n	(A-14455)	3.180	r	(P-6265;A-11698)
961.20	n	(A-14455)	3.190	r	(P-6265;A-11698)
961.30	n	(A-14455)	3.200	r	(P-6265;A-11698)
961.40	n	(A-14455)	3.210	r	(P-6265;A-11698)
961.50	n	(A-14455)	3.220	r	(P-6265;A-11698)
6000.100	n	(A-9569)	3.230	r	(P-6265;A-11698)
6000.110	n	(A-9569)	20.1	am	(P-15801)
6000.120	n	(A-9569)	40.120	am	(P-15838)
6000.130	n	(A-9569)	40.130	am	(P-15838)
6000.140	n	(A-9569)	40.170	am	(P-15838)
6000.150	n	(A-9569)	55.10	am	(P-15820)
6000.200	n	(A-9569)	55.40	am	(P-15820)
6000.210	n	(A-9569)	55.45	am	(P-15820)
6000.220	n	(A-9569)	55.50	am	(P-15820)
6000.230	n	(A-9569)	55.90	am	(P-15820)
6000.240	n	(A-9569)	75.5	am	(P-15794)
6000.250	n	(A-9569)	75.5	am	(P-15794)
6000.260	n	(A-9569)	75.5	am	(P-15794)
6000.300	n	(A-9569)	75.60	am	(P-15794)
6000.400	n	(A-9569)	75.70	am	(P-15794)
6000.Ap.A	n	(A-9569)	75.80	am	(P-15794)
	r	(P-17187)	75.120	am	(P-15794)
	r	(P-17187)	75.160	am	(P-15794)
	r	(P-17187)	80.130	am	(P-15825)
	r	(P-17187)	80.140	am	(P-15825)
	r	(P-17187)	85.5	am	(P-15808)
	r	(P-17187)	85.15	am	(P-15808)
	r	(P-17187)	85.20	am	(P-15808)
	r	(P-17187)	85.55	am	(P-15808)
	r	(P-17193)	85.75	am	(P-15808)
	r	(P-17193)	85.80	am	(P-15808)
	r	(P-17193)	85.100	am	(P-15808)
	r	(P-17193)	85.115	am	(P-15808)
	r	(P-17193)	85.120	am	(P-15808)
	r	(P-17193)	100.30	am	(P-15847)
	r	(P-17193)	105.5	am	(P-15850)
	r	(P-17193)	105.10	am	(P-15850)
	r	(P-17193)	105.30	am	(P-15850)
	r	(P-17193)	105.90	am	(P-15850)
	r	(P-17193)	110.50	am	(P-15783)
	r	(P-17193)	110.70	am	(P-15783)
	r	(P-17193)	110.90	am	(P-15783)
	r	(P-17193)	110.100	am	(P-15783)

TITLE 8 (cont'd)	110.110	am	(P-15783)	415.10	am	(P-17011/97;A-7046)	510.120	am	(P-2007;A-10394)	
	115.10	am	(P-15831)	502.40	am	(P-3759;A-10648)	510.130	am	(P-2007;A-10394)	
	115.10	am	(P-15831)	603.50	am	(P-13281/97;A-3594)	510.160	am	(P-2007;A-10394)	
	115.40	am	(P-15831)	603.55	n	(P-13281/97;A-3594)	510.170	am	(P-2007;A-10394)	
	115.80	am	(P-15831)	603.120	am	(P-13281/97;A-3594)	510.175	am	(P-2007;A-10394)	
	115.80	am	(P-15831)	603.180	n	(P-12091/97;A-2217)	510.185	am	(P-2007;A-10394)	
	115.100	am	(P-15831)	719.10	r	(P-14417)	510.190	am	(P-2007;A-10394)	
	116.60	am	(P-12024/97;W-1602)	1318.90	am	(P-1109;A-7049)	510.200	am	(P-2007;A-10394)	
	125.40	am	(PP-16391)	1411.140	am	(P-15442/97;A-5076)	510.205	am	(P-2007;A-10394)	
	125.142	am	(PP-3602)	1770.10	am	(P-14094)	510.210	am	(P-2007;A-10394)	
TITLE 9	125.260	am	(PP-5740)	1770.40	am	(P-1650;A-9307)	510.220	am	(P-2007;A-10394)	
	125.270	am	(PP-3602)	1770.50	am	(P-1650;A-9307)	510.260	am	(P-2007;A-10394)	
	125.280	am	(PP-5740)	1770.60	am	(P-1650;A-9307)	510.275	am	(P-2007;A-10394)	
	125.360	am	(PP-3602)	1770.80	am	(P-1650;A-9307)	510.280	am	(P-2007;A-10394)	
	125.360	am	(PP-5740)	1770.90	am	(P-1650;A-9307)	510.290	am	(P-2007;A-10394)	
	125.380	am	(PP-9384)	1770.90	am	(P-14094)	550.10	am	(P-1062;A-10425)	
	258.10	n	(P-10927)	1770.100	am	(P-1650;A-9307)	550.20	am	(P-1062;A-10425)	
	258.20	n	(P-10927)	1770.120	am	(P-14094)	550.40	am	(P-1062;A-10425)	
	258.30	n	(P-10927)	1770.130	am	(P-1650;A-9307)	550.50	am	(P-1062;A-10425)	
	258.40	n	(P-10927)	1770.140	am	(P-1650;A-9307)	550.60	am	(P-1062;A-10425)	
TITLE 10	258.50	n	(P-10927)	1770.150	am	(P-1650;A-9307)	510.290	am	(P-2007;A-10394)	
	258.60	n	(P-10927)	1770.160	am	(P-14094)	550.10	am	(P-1062;A-10425)	
	258.70	n	(P-10927)	1770.170	am	(P-1650;A-9307)	550.20	am	(P-1062;A-10425)	
	258.80	n	(P-10927)	1770.170	am	(P-1650;A-9307)	550.40	am	(P-1062;A-10425)	
	258.Ap.A	n	(P-10927)	1770.190	am	(P-1650(E-1964)	550.50	am	(P-1062;A-10425)	
	258.Ap.B	n	(P-10927)	1770.190	am	(O-2639(O-8041)	550.60	am	(P-1062;A-10425)	
	270.350	am	(P-6280;A-11374)	1770.200	am	(P-14094)				
	600.330	n	(P-13209/97;A-1141)		am	(P-1650)				
	600.Tb.C	am	(P-13209/97;A-1141)		am					
	600.Tb.F	am	(P-13209/97;A-1141)		am					
TITLE 11	755.10	n	(P-2005;A-9384) E-2289	130.50	am	(P-2763)	130.90	am	(P-8743; A-14832)	
	755.20	n	(P-2005;A-9384)(E-2289)	130.100	am	(P-2763)	130.140	am	(P-8743; A-14832)	
	755.30	n	(P-2005;A-9384)(E-2289)	130.352	am	(P-2763)	130.150	am	(P-13480/97;A-2591)	
	755.40	n	(P-2005;A-9384)(E-2289)	130.500	am	(P-2763)	130.30	am	(P-6428; A-11781)	
	755.50	n	(P-2005;A-9384)(E-2289)	130.801	am	(P-2763)	130.50	am	(P-14144/9;A-3076)	
	755.60	n	(P-2005;A-9384)(E-2289)	130.1102	am	(P-8861/97;A-1933)	130.70	am	(P-14144/9;A-3076)	
	755.Ex.A	n	(P-2005;A-9384)(E-2289)	130.1104	am	(P-8861/97;A-1933)				
	1400.140	am	(P-7060/97;A-3467)	130.1107	am	(P-8861/97;A-1933)				
	1400.145	am	(P-7060/97;A-3467)	130.1109	am	(P-8861/97;A-1933)				
	1400.146	am	(P-7060/97;A-3467)	130.1110	am	(P-8861/97;A-1933)				
TITLE 12	1400.147	am	(P-7060/97;A-3467)	130.1111	r	(P-8861/97;A-1933)				
	1400.148	am	(P-7060/97;A-3467)	130.1114	r	(P-8861/97;A-1933)				
	1400.149	am	(P-15113)	130.1115	am	(P-8861/97;A-1933)				
				130.1118	am	(P-8861/97;A-1933)				
				130.1123	am	(P-8861/97;A-1933)				
				130.1124	am	(P-8861/97;A-1933)				
				130.1126	am	(P-8861/97;A-1933)				
				130.1129	am	(P-8861/97;A-1933)				
				130.1130	n	(P-8861/97;A-1933)				
				130.1131	n	(P-8861/97;A-1933)				
TITLE 13	314.30	am	(P-12095/97;A-2221)	130.1131	n	(P-8861/97;A-1933)				
	314.50	am	(P-12087/97;A-2221)	130.1132	n	(P-8861/97;A-1933)				
	315.20	am	(P-12087/97;A-2214)	130.1132	n	(P-8861/97;A-1933)				
	315.30	am	(P-12087/97;A-2214)	130.2130	am	(P-2763)				
	317.50	am	(P-12084/97;A-2212)	135.50	am	(P-2763;A-9571)				
	TITLE 14	1400.149	am	(P-15113)	130.1115	am	(P-8861/97;A-1933)			
					130.1118	am	(P-8861/97;A-1933)			
					130.1123	am	(P-8861/97;A-1933)			
					130.1124	am	(P-8861/97;A-1933)			
					130.1126	am	(P-8861/97;A-1933)			
				130.1129	am	(P-8861/97;A-1933)				
				130.1130	n	(P-8861/97;A-1933)				
				130.1131	n	(P-8861/97;A-1933)				
				130.1132	n	(P-8861/97;A-1933)				
				130.2130	am	(P-2763)				
TITLE 15	1400.149	am	(P-15113)	130.1115	am	(P-8861/97;A-1933)				
				130.1118	am	(P-8861/97;A-1933)				
				130.1123	am	(P-8861/97;A-1933)				
				130.1124	am	(P-8861/97;A-1933)				
				130.1126	am	(P-8861/97;A-1933)				
				130.1129	am	(P-8861/97;A-1933)				
				130.1130	n	(P-8861/97;A-1933)				
				130.1131	n	(P-8861/97;A-1933)				
				130.1132	n	(P-8861/97;A-1933)				
				130.2130	am	(P-2763)				
TITLE 16	1400.149	am	(P-15113)	130.1115	am	(P-8861/97;A-1933)				
				130.1118	am	(P-8861/97;A-1933)				
				130.1123	am	(P-8861/97;A-1933)				
				130.1124	am	(P-8861/97;A-1933)				
				130.1126	am	(P-8861/97;A-1933)				
				130.1129	am	(P-8861/97;A-1933)				
				130.1130	n	(P-8861/97;A-1933)				
				130.1131	n	(P-8861/97;A-1933)				
				130.1132	n	(P-8861/97;A-1933)				
				130.2130	am	(P-2763)				
TITLE 17	1400.149	am	(P-15113)	130.1115	am	(P-8861/97;A-1933)				
				130.1118	am	(P-8861/97;A-1933)				
				130.1123	am	(P-8861/97;A-1933)				
				130.1124	am	(P-8861/97;A-1933)				
				130.1126	am	(P-8861/97;A-1933)				
				130.1129	am	(P-8861/97;A-1933)				
				130.1130	n	(P-8861/97;A-1933)				
				130.1131	n	(P-8861/97;A-1933)				
				130.1132	n	(P-8861/97;A-1933)				
				130.2130	am	(P-2763)				
TITLE 18	1400.149	am	(P-15113)	130.1115	am	(P-8861/97;A-1933)				
				130.1118	am	(P-8861/97;A-1933)				
				130.1123	am	(P-8861/97;A-1933)				
				130.1124	am	(P-8861/97;A-1933)				
				130.1126	am	(P-8861/97;A-1933)				
				130.1129	am	(P-8861/97;A-1933)				
				130.1130	n	(P-8861/97;A-1933)				
				130.1131	n	(P-8861/97;A-1933)				
				130.1132	n	(P-8861/97;A-1933)				
				130.2130	am	(P-2763)				
TITLE 19	1400.149	am	(P-15113)	130.1115	am	(P-8861/97;A-1933)				
				130.1118	am	(P-8861/97;A-1933)				
				130.1123	am	(P-8861/97;A-1933)				
				130.1124	am	(P-8861/97;A-1933)				
				130.1126	am	(P-8861/97;A-1933)				
				130.1129	am	(P-8861/97;A-1933)				
				130.1130	n	(P-8861/97;A-1933)				
				130.1131	n	(P-8861/97;A-1933)				
				130.1132	n	(P-8861/97;A-1933)				
				130.2130	am	(P-2763)				
TITLE 20	1400.149	am	(P-15113)	130.1115	am	(P-8861/97;A-1933)				
				130.1118	am	(P-8861/97;A-1933)				
				130.1123	am	(P-8861/97;A-1933)				
				130.1124	am	(P-8861/97;A-1933)				
				130.1126	am	(P-8861/97;A-1933)				
				130.1129	am	(P-8861/97;A-1933)				
				130.1130	n	(P-8861/97;A-1933)				
				130.1131	n	(P-8861/97;A-1933)				
				130.1132	n	(P-8861/97;A-1933)				
				130.2130	am	(P-2763)				
TITLE 21	1400.149	am	(P-15113)	130.1115	am	(P-8861/97;A-1933)				
				130.1118	am	(P-8861/97;A-1933)				
				130.1123	am	(P-8861/97;A-1933)				
				130.1124	am	(P-8861/97;A-1933)				
				130.1126	am	(P-8861/97;A-1933)				
				130.1129	am	(P-8861/97;A-1933)				
				130.1130	n	(P-8861/97;A-1933)				
				130.1131	n	(P-8861/97;A-1933)				
				130.1132	n	(P-8861/97;A-1933)				
				130.2130	am	(P-2763)				
TITLE 22	1400.149	am	(P-15113)	130.1115	am	(P-8861/97;A-1933)				
				130.1118	am	(P-8861/97;A-1933)				
				130.1123	am	(P-8861/97;A-1933)				
				130.1124	am	(P-8861/97;A-1933)				
				130.1126	am	(P-8861/97;A-1933)				
				130.1129	am	(P-8861/97;A-1933)				
				130.1130	n	(P-8861/97;A-1933)				
				130.1131	n	(P-8861/97;A-1933)				
				130.1132	n	(P-8861/97;A-1933)				
				130.2130	am	(P-2763)				
TITLE 23	1400.149	am	(P-15113)	130.1115	am	(P-8861/97;A-1933)				
				130.1118	am	(P-8861/97;A-1933)				
				130.1123	am	(P-8861/97;A-1933)				
				130.1124	am	(P-8861/97;A-1933)				
				130.1126	am	(P-8861/97;A-1933)				
				130.1129	am	(P-8861/97;A-1933)				
				130.1130	n	(P-8861/97;A-1933)				
				130.1131	n	(P-8861/97;A-1933)				
				130.1132	n	(P-8861/97;A-1933)				
				130.2130	am	(P-2763)				

Title 20 (cont.)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																										
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Title 23 (cont'd)	180.70	am	(P-4564;A-12514)	1501.308	am	(P-8745/97;A-17472)	Title 23 (cont'd)	3200.65	n	(E-17381)
	180.80	am	(P-4564;A-12514)	1501.501	am	(P-5968/97;A-2087)		3200.70	n	(E-17381)
180.120	am	(P-4564;A-12514)				(P-8745/97;A-17472)	2763.30	am	(E-17381)	
180.200	am	(P-4564;A-12514)				(P-5968/97;A-2087)	2764.10	am	(P-2780;A-11043)	
180.225	n	(P-4564;A-12514)				(P-8745/97;A-17472)	2764.20	am	(P-2780;A-11043)	
180.230	am	(P-4564;A-12514)				(P-2809;A-11072)	2764.30	am	(P-2780;A-11043)	
180.250	am	(P-4564;A-12514)				(P-2809;A-11072)	2765.40	am	(P-2780;A-11043)	
180.260	n	(P-4564;A-12514)				(P-2809;A-11072)	2765.60	am	(P-2844;A-11107)	
180.270	n	(P-4564;A-12514)				(P-2809;A-11072)	2765.70	am	(P-2844;A-11107)	
180.280	n	(P-4564;A-12514)				(P-2809;A-11072)	2765.80	am	(P-2844;A-11107)	
180.500	am	(P-4564;A-12514)				(P-2809;A-11072)	2765.90	am	(P-2844;A-11107)	
252.20	am	(P-15296/97;A-7577)				(P-2788;A-11051)	2771.10	am	(P-2772;A-11035)	
260.10	r	(P-12435)				(P-2788;A-11051)	2771.20	am	(P-2772;A-11035)	
260.20	am	(P-12435)				(P-2788;A-11051)	2771.30	am	(P-2772;A-11035)	
260.30	am	(P-12435)				(P-2788;A-11051)	2771.40	am	(P-2772;A-11035)	
260.40	am	(P-12435)				(P-2788;A-11051)	2771.50	am	(P-2772;A-11035)	
260.50	am	(P-12435)				(P-2788;A-11051)	2771.60	am	(P-2772;A-11035)	
260.60	r	(P-12435)				(P-2788;A-11051)	2771.70	am	(P-2772;A-11035)	
260.70	am	(P-12435)				(P-2788;A-11051)	2771.80	am	(P-2772;A-11035)	
260.80	n	(P-12435)				(P-2788;A-11051)	2771.90	am	(P-2772;A-11035)	
275.20	am	(P-4583;A-12533)				(P-2788;A-11051)	2772.00	am	(P-2772;A-11035)	
275.30	am	(P-4583;A-12533)				(P-2788;A-11051)	2772.10	am	(P-2772;A-11035)	
275.40	am	(P-4583;A-12533)				(P-2788;A-11051)	2772.20	am	(P-2772;A-11035)	
451.410	n	(P-15303/97;A-7584)				(P-2788;A-11051)	2772.30	am	(P-2772;A-11035)	
575.10	am	(P-9464/VE-9591)				(P-2788;A-11051)	2772.40	am	(P-2772;A-11035)	
575.100	n	(P-9464/VE-9591)				(P-2788;A-11051)	2772.50	am	(P-2772;A-11035)	
575.200	n	(P-9464/VE-9591)				(P-2788;A-11051)	2772.60	am	(P-2772;A-11035)	
575.300	n	(P-9464/VE-9591)				(P-2788;A-11051)	2772.70	am	(P-2772;A-11035)	
575.400	n	(P-9464/VE-9591)				(P-2788;A-11051)	2772.80	am	(P-2772;A-11035)	
575.500	n	(P-9464/VE-9591)				(P-2788;A-11051)	2772.90	am	(P-2772;A-11035)	
575.600	n	(P-9464/VE-9591)				(P-2788;A-11051)	2773.00	am	(P-2772;A-11035)	
575.700	n	(P-9464/VE-9591)				(P-2788;A-11051)	2773.10	am	(P-2772;A-11035)	
650.10	am	(P-2690)				(P-2788;A-11051)	2773.20	am	(P-2772;A-11035)	
650.20	am	(P-2690)				(P-2788;A-11051)	2773.30	am	(P-2772;A-11035)	
650.21	am	(P-2690)				(P-2788;A-11051)	2773.40	am	(P-2772;A-11035)	
650.22	am	(P-2690)				(P-2788;A-11051)	2773.50	am	(P-2772;A-11035)	
650.30	am	(P-3252;W-13985)(E-1479)				(P-2788;A-11051)	2773.60	am	(P-2772;A-11035)	
650.40	am	(P-2690)				(P-2788;A-11051)	2773.70	am	(P-2772;A-11035)	
650.50	am	(P-2690)				(P-2788;A-11051)	2773.80	am	(P-2772;A-11035)	
650.60	am	(P-2690)				(P-2788;A-11051)	2773.90	am	(P-2772;A-11035)	
650.65	am	(P-2690)				(P-2788;A-11051)	2774.00	am	(P-2772;A-11035)	
650.67	am	(P-2690)				(P-2788;A-11051)	2774.10	am	(P-2772;A-11035)	
650.70	am	(P-2690)				(P-2788;A-11051)	2774.20	am	(P-2772;A-11035)	
1501.114	am	(E-5104)				(P-2788;A-11051)	2774.30	am	(P-2772;A-11035)	
1501.201	am	(P-8745/97;A-17472)				(P-2788;A-11051)	2774.40	am	(P-2772;A-11035)	
1501.302	am	(P-8745/97;A-17472)				(P-2788;A-11051)	2774.50	am	(P-2772;A-11035)	
		(P-5968/97;A-2087)				(P-2788;A-11051)	2774.60	am	(P-2772;A-11035)	

Title 32 (cont'd)

360.Ap.A am	(P-14423/97;A-5904)
360.Ap.B am	(P-14423/97;A-5904)
360.Ap.D am	(P-14423/97;A-5904)
360.Tb.A am	(P-14423/97;A-5904)
360.Tb.B am	(P-14423/97;A-5904)
370.10 n	(P-14610)(E-14972)
370.20 n	(P-14610)(E-14972)
370.30 n	(P-14610)(E-14972)
370.40 n	(P-14610)(E-14972)
370.50 n	(P-14610)(E-14972)
370.60 n	(P-14610)(E-14972)
370.70 n	(P-14610)(E-14972)
370.80 n	(P-14610)(E-14972)
370.90 n	(P-14610)(E-14972)
370.100 n	(P-14610)(E-14972)
370.110 n	(P-14610)(E-14972)
370.120 n	(P-14610)(E-14972)
370.130 n	(P-14610)(E-14972)
370.140 n	(P-14610)(E-14972)
370.150 n	(P-14610)(E-14972)
370.160 n	(P-14610)(E-14972)
370.170 n	(P-14610)(E-14972)
370.Ap.A n	(P-14610)(E-14972)
370.Ap.B n	(P-14610)(E-14972)
370.Tb.A n	(P-14610)(E-14972)
401.120 am	(P-16417)
401.130 am	(P-16417)
401.170 am	(P-16417)
406.10 n	(P-14705/97;A-5001)
406.20 n	(P-14705/97;A-5001)
406.25 n	(P-14705/97;A-5001)
406.30 n	(P-14705/97;A-5001)
406.40 n	(P-14705/97;A-5001)
406.50 n	(P-14705/97;A-5001)
406.60 n	(P-14705/97;A-5001)
406.70 n	(P-14705/97;A-5001)
406.80 n	(P-14705/97;A-5001)
406.90 n	(P-14705/97;A-5001)
406.100 n	(P-14705/97;A-5001)
406.110 n	(P-14705/97;A-5001)
406.120 n	(P-14705/97;A-5001)
406.130 n	(P-14705/97;A-5001)
406.140 n	(P-14705/97;A-5001)
406.200 n	(P-14705/97;A-5001)
406.210 n	(P-14705/97;A-5001)
406.220 n	(P-14705/97;A-5001)
406.230 n	(P-14705/97;A-5001)
406.240 n	(P-14705/97;A-5001)
406.250 n	(P-14705/97;A-5001)
406.260 n	(P-14705/97;A-5001)
406.270 n	(P-14705/97;A-5001)

406.280 n	(P-14705/97;A-5001)
420.10 r	(P-3393;A-10565)
420.20 r	(P-3393;A-10565)
420.30 r	(P-3393;A-10565)
420.40 r	(P-3393;A-10565)
420.50 r	(P-3393;A-10565)
420.60 r	(P-3393;A-10565)
420.70 r	(P-3393;A-10565)
420.80 r	(P-3393;A-10565)
422.10 n	(P-3383;A-10499)
422.20 n	(P-3383;A-10499)
422.30 n	(P-3383;A-10499)
422.40 n	(P-3383;A-10499)
422.50 n	(P-3383;A-10499)
422.60 n	(P-3383;A-10499)
422.70 n	(P-3383;A-10499)
422.80 n	(P-3383;A-10499)
422.85 n	(P-3383;A-10499)
422.90 n	(P-3383;A-10499)
422.100 n	(P-3383;A-10499)
422.110 n	(P-3383;A-10499)
422.120 n	(P-3383;A-10499)
422.130 n	(P-3383;A-10499)
422.140 n	(P-3383;A-10499)
422.150 n	(P-3383;A-10499)
422.Ap.A n	(P-3383;A-10499)
422.Ap.B n	(P-3383;A-10499)
422.Ap.C n	(P-3383;A-10499)
610.10 r	(P-1712;A-9569)
610.20 r	(P-1712;A-9569)
610.30 r	(P-1712;A-9569)
610.40 r	(P-1712;A-9569)

TITLE 35

106.940 n	(P-15926)
106.942 n	(P-15926)
106.944 n	(P-15926)
106.946 n	(P-15926)
106.948 n	(P-15926)
106.950 n	(P-15926)
106.952 n	(P-15926)
106.954 n	(P-15926)
106.956 n	(P-15926)
106.958 n	(P-15926)
106.960 n	(P-15926)
106.962 n	(P-15926)
106.964 n	(P-15926)
106.966 n	(P-15926)
106.968 n	(P-15926)
106.970 n	(P-15926)
106.972 n	(P-15926)
106.974 n	(P-15926)
106.976 n	(P-15926)

Title 35 (cont'd)

106.978 n	(P-15926)
106.980 n	(P-15926)
106.982 n	(P-15926)
183. r	(P-23)(A-14277)
186.105 n	(P-6979/97;A-5546)
186.110 n	(P-6979/97;A-5546)
186.115 n	(P-6979/97;A-5546)
186.120 n	(P-6979/97;A-5546)
186.125 n	(P-6979/97;A-5546)
186.130 n	(P-6979/97;A-5546)
186.135 n	(P-6979/97;A-5546)
186.140 n	(P-6979/97;A-5546)
186.145 n	(P-6979/97;A-5546)
186.150 n	(P-6979/97;A-5546)
186.155 n	(P-6979/97;A-5546)
186.160 n	(P-6979/97;A-5546)
186.165 n	(P-6979/97;A-5546)
186.170 n	(P-6979/97;A-5546)
186.175 n	(P-6979/97;A-5546)
186.180 n	(P-6979/97;A-5546)
186.185 n	(P-6979/97;A-5546)
186.190 n	(P-6979/97;A-5546)
186.195 n	(P-6979/97;A-5546)
186.200 n	(P-6979/97;A-5546)
186.205 n	(P-6979/97;A-5546)
186.210 n	(P-6979/97;A-5546)
186.215 n	(P-6979/97;A-5546)
186.220 n	(P-6979/97;A-5546)
186.225 n	(P-6979/97;A-5546)
186.Ap.A n	(P-13224/97;A-6217)
187.100 n	(P-13224/97;A-6217)
187.102 n	(P-13224/97;A-6217)
187.104 n	(P-13224/97;A-6217)
187.106 n	(P-13224/97;A-6217)
187.108 n	(P-13224/97;A-6217)
187.200 n	(P-13224/97;A-6217)
187.202 n	(P-13224/97;A-6217)
187.300 n	(P-13224/97;A-6217)
187.304 n	(P-13224/97;A-6217)
187.400 n	(P-13224/97;A-6217)
187.402 n	(P-13224/97;A-6217)
187.404 n	(P-13224/97;A-6217)
187.406 n	(P-13224/97;A-6217)
187.408 n	(P-13224/97;A-6217)
187.410 n	(P-13224/97;A-6217)
187.412 n	(P-13224/97;A-6217)
187.414 n	(P-13224/97;A-6217)
187.416 n	(P-13224/97;A-6217)
190. r	(P-1106)(A-14277)
195. r	(P-1088)(A-14280)

|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Title 35 (cont'd)		Title 35 (cont'd)	
367.610 n	(P-10183/97; A-15269)	662.1030 n	(P-9947/97; A-3782)
367.620 n	(P-10183/97; A-15269)	662.1110 n	(P-9947/97; A-3782)
367.630 n	(P-10183/97; A-15269)	662.1120 n	(P-9947/97; A-3782)
367.710 n	(P-10183/97; A-15269)	662.1130 n	(P-9947/97; A-3782)
367.720 n	(P-10183/97; A-15269)	662.1140 n	(P-9947/97; A-3782)
367.730 n	(P-10183/97; A-15269)	662.1150 n	(P-9947/97; A-3782)
367.740 n	(P-10183/97; A-15269)	662.1160 n	(P-9947/97; A-3782)
367.750 n	(P-10183/97; A-15269)	662.1170 n	(P-9947/97; A-3782)
367.760 n	(P-10183/97; A-15269)	662.1180 n	(P-9947/97; A-3782)
367.770 n	(P-10183/97; A-15269)	662.1190 n	(P-9947/97; A-3782)
367.780 n	(P-10183/97; A-15269)	662.1200 n	(P-9947/97; A-3782)
367.790 n	(P-10183/97; A-15269)	662.1210 n	(P-9947/97; A-3782)
367.810 n	(P-10183/97; A-15269)	662.1220 n	(P-9947/97; A-3782)
367.820 n	(P-10183/97; A-15269)	662.1230 n	(P-9947/97; A-3782)
367.910 n	(P-10183/97; A-15269)	662.1240 n	(P-9947/97; A-3782)
367.920 n	(P-10183/97; A-15269)	662.1250 n	(P-9947/97; A-3782)
367.930 n	(P-10183/97; A-15269)	662.1260 n	(P-9947/97; A-3782)
367.940 n	(P-10183/97; A-15269)	662.1270 n	(P-9947/97; A-3782)
367.950 n	(P-10183/97; A-15269)	662.1280 n	(P-9947/97; A-3782)
367.960 n	(P-10183/97; A-15269)	662.1290 n	(P-9947/97; A-3782)
367.1010 n	(P-10183/97; A-15269)	662.1300 n	(P-9947/97; A-3782)
367.1020 n	(P-10183/97; A-15269)	662.1310 n	(P-9947/97; A-3782)
367.1030 n	(P-10183/97; A-15269)	662.1320 n	(P-9947/97; A-3782)
367.1040 n	(P-10183/97; A-15269)	662.1330 n	(P-9947/97; A-3782)
367.1050 n	(P-10183/97; A-15269)	662.1340 n	(P-9947/97; A-3782)
368.110 n	(P-19183/97; A-15259)	662.1350 n	(P-9947/97; A-3782)
368.120 n	(P-19183/97; A-15259)	662.1360 n	(P-9947/97; A-3782)
368.130 n	(P-19183/97; A-15259)	662.1370 n	(P-9947/97; A-3782)
368.140 n	(P-19183/97; A-15259)	662.1380 n	(P-9947/97; A-3782)
368.150 n	(P-19183/97; A-15259)	662.1390 n	(P-9947/97; A-3782)
368.160 n	(P-19183/97; A-15259)	662.1400 n	(P-9947/97; A-3782)
368.210 n	(P-19183/97; A-15259)	662.1410 n	(P-9947/97; A-3782)
368.220 n	(P-19183/97; A-15259)	662.1420 n	(P-9947/97; A-3782)
368.230 n	(P-19183/97; A-15259)	662.1430 n	(P-9947/97; A-3782)
368.240 n	(P-19183/97; A-15259)	662.1440 n	(P-9947/97; A-3782)
368.250 n	(P-19183/97; A-15259)	662.1450 n	(P-9947/97; A-3782)
506.103 am	(P-10102)	662.1460 n	(P-9947/97; A-3782)
506.209 am	(P-10102)	662.1470 n	(P-9947/97; A-3782)
506.601 am	(P-10102)	662.1480 n	(P-9947/97; A-3782)
506.602 am	(P-10102)	662.1490 n	(P-9947/97; A-3782)
506.603 am	(P-10102)	662.1500 n	(P-9947/97; A-3782)
506.604 am	(P-10102)	662.1510 n	(P-9947/97; A-3782)
506.606 n	(P-10102)	662.1520 n	(P-9947/97; A-3782)
506.607 n	(P-10102)	662.1530 n	(P-9947/97; A-3782)
506.608 n	(P-10102)	662.1540 n	(P-9947/97; A-3782)
506.610 n	(P-10102)	662.1550 n	(P-9947/97; A-3782)
506.611 n	(P-10102)	662.1560 n	(P-9947/97; A-3782)
506.613 n	(P-10102)	662.1570 n	(P-9947/97; A-3782)
506.614 n	(P-10102)	662.1580 n	(P-9947/97; A-3782)
506.615 n	(P-10102)	662.1590 n	(P-9947/97; A-3782)
506.602 n	(P-10102)	662.1600 n	(P-9947/97; A-3782)

Title 35 (cont'd)		Title 35 (cont'd)	
724.950 am	(P-10742/97;A-636)	728.135 r	(P-9884; A-17706)
724.955 am	(P-10170; A-17972)	728.136 r	(P-9884; A-17706)
724.958 am	(P-10742/97;A-636)	728.139 am	(P-10492/97;A-783)
724.963 am	(P-10170; A-17972)	728.140 am	(P-10492/97;A-783)
724.964 am	(P-10742/97;A-636)	728.144 am	(P-10492/97;A-783)
724.980 am	(P-10170; A-17972)	728.148 am	(P-9884; A-17706)
724.982 am	(P-10742/97;A-636)	728.Ap.A r	(P-10492/97;A-783)
724.983 am	(P-10742/97;A-636)	728.Ap.B r	(P-9884; A-17706)
724.984 am	(P-10742/97;A-636)	728.Ap.C r	(P-9884; A-17706)
724.985 am	(P-10170; A-17972)	728.Ap.F am	(P-9884; A-17706)
724.986 am	(P-10742/97;A-636)	728.Ap.G am	(P-9884; A-17706)
724.987 am	(P-10742/97;A-636)	728.Ap.H am	(P-9884; A-17706)
724.988 am	(P-10742/97;A-636)	728.Ap.J r	(P-9884; A-17706)
724.989 am	(P-10170; A-17972)	Ap.K n	(P-10492/97;A-783)
724.990 am	(P-10742/97;A-636)	Tb.C am	(P-10492/97;A-783)
724.991 r	(P-10742/97;A-636)	Tb.H am	(P-9884; A-17706)
724.1200 n	(P-10170; A-17972)	Tb.I n	(P-9884; A-17706)
724.1201 n	(P-10170; A-17972)	Tb.T am	(P-9884; A-17706)
724.1202 n	(P-10170; A-17972)	Tb.U am	(P-9884; A-17706)
724.Ap.I	(P-14730/97;A-636)	733.101 am	(P-14791;A-7650)
725.101 am	(P-9794; A-17620)	733.106 am	(P-14791;A-7650)
725.112 am	(P-10342/97;A-369)	733.107 am	(P-14791;A-7650)
725.113 am	(P-10342/97;A-369)	733.113 am	(P-14791;A-7650)
725.170 am	(P-9794; A-17620)	733.120 am	(P-10878/97;A-944)
725.171 am	(P-9794; A-17620)	733.132 am	(P-14791;A-7650)
725.278 am	(P-10342/97;A-369)	733.133 am	(P-14791;A-7650)
725.298 am	(P-9794; A-17620)	733.134 am	(P-14791;A-7650)
725.301 am	(P-10342/97;A-369)	733.138 am	(P-14791;A-7650)
725.302 am	(P-10342/97;A-369)	733.139 am	(P-14791;A-7650)
725.414 am	(P-9794; A-17620)	733.140 am	(P-10878/97;A-944)
725.930 am	(P-10342/97;A-369)	733.151 am	(P-14791;A-7650)
725.933 am	(P-9794; A-17620)	733.156 am	(P-10878/97;A-944)
725.934 am	(P-10342/97;A-369)	733.161 am	(P-14791;A-7650)
725.935 am	(P-10342/97;A-369)	733.162 am	(P-14791;A-7650)
725.950 am	(P-10342/97;A-369)	733.170 am	(P-10878/97;A-944)
725.955 am	(P-10342/97;A-369)	733.180 am	(P-14791;A-7650)
725.958 am	(P-10342/97;A-369)	738.101 am	(P-9662; A-17486)

Title 35 (cont'd)			Title 38 (cont'd)		
811.321	am	(P-4255; A-11491)	160.210	am	(P-3314; A-13699)(E-1543)
813.103	am	(P-4247; A-11483)	160.220	am	(P-3314; A-13699)(E-1543)
813.501	am	(P-4247; A-11483)	160.230	am	(P-3314; A-13699)(E-1543)
813.502	am	(P-4247; A-11483)	160.240	n	(P-3314; A-13699)(E-1543)
813.503	am	(P-4247; A-11483)	160.250	n	(P-3314; A-13699)(E-1543)
813.504	n	(P-4247; A-11483)	160.260	n	(P-3314; A-13699)(E-1543)
830.203	am	(P-11367)	190.70	am	(P-6012; A-17317)
831.107	am	(P-11361)	300.20	am	(P-8248; A-14729)
831.109	am	(P-11361)	356.20	am	(P-8245; A-14729)
848.104	am	(P-4240; A-11420)	360.10	n	(E-12963)(P-14122)
885.100	n	(P-10790)	360.100	n	(E-12963)(P-14122)
885.105	n	(P-10790)	360.120	n	(E-12963)(P-14122)
885.110	n	(P-10790)	360.130	n	(E-12963)(P-14122)
885.200	n	(P-10790)	360.140	n	(E-12963)(P-14122)
885.205	n	(P-10790)	360.150	n	(E-12963)(P-14122)
885.210	n	(P-10790)	360.160	n	(E-12963)(P-14122)
885.215	n	(P-10790)	360.170	n	(E-12963)(P-14122)
885.225	n	(P-10790)	360.200	n	(E-12963)(P-14122)
885.230	n	(P-10790)	360.210	n	(E-12963)(P-14122)
885.235	n	(P-10790)	360.300	n	(E-12963)(P-14122)
885.240	n	(P-10790)	360.310	n	(E-12963)(P-14122)
885.245	n	(P-10790)	360.400	n	(E-12963)(P-14122)
885.250	n	(P-10790)	360.410	n	(E-12963)(P-14122)
885.255	n	(P-10790)	360.420	n	(E-12963)(P-14122)
885.260	n	(P-10790)	360.500	n	(E-12963)(P-14122)
885.300	n	(P-10790)	360.510	n	(E-12963)(P-14122)
885.305	n	(P-10790)	360.520	n	(E-12963)(P-14122)
885.310	n	(P-10790)	360.600	n	(E-12963)(P-14122)
885.315	n	(P-10790)	360.610	n	(E-12963)(P-14122)
885.320	n	(P-10790)	360.620	n	(E-12963)(P-14122)
885.325	n	(P-10790)	360.630	n	(E-12963)(P-14122)
885.330	n	(P-10790)	360.640	n	(E-12963)(P-14122)
885.400	n	(P-10790)	390.10	r	(P-115; A-6705)
885.405	n	(P-10790)	390.20	r	(P-115; A-6705)
TITLE 38			390.30	r	(P-115; A-6705)
110.1	am	(P-3258; A-13657)(E-1485)	390.40	r	(P-115; A-6705)
110.10	am	(P-3258; A-13657)(E-1485)	390.50	r	(P-115; A-6705)
110.15	n	(P-3258; A-13657)(E-1485)	390.60	r	(P-115; A-6705)
110.20	am	(P-3258; A-13657)(E-1485)	390.70	r	(P-115; A-6705)
110.30	am	(P-3258; A-13657)(E-1485)	390.80	r	(P-115; A-6705)
110.40	am	(P-3258; A-13657)(E-1485)	390.90	r	(P-115; A-6705)
110.50	am	(P-3258; A-13657)(E-1485)	390.100	r	(P-115; A-6705)
110.60	am	(P-3258; A-13657)(E-1485)	392.10	am	(P-8239; A-14723)
110.65	am	(P-3258; A-13657)(E-1485)	392.20	am	(P-8239; A-14723)
110.70	am	(P-3258; A-13657)(E-1485)	392.30	am	(P-8239; A-14723)
110.80	am	(P-3258; A-13657)(E-1485)	392.40	am	(P-8239; A-14723)
110.90	am	(P-3258; A-13657)(E-1485)	392.80	am	(P-8239; A-14723)
110.100	am	(P-3258; A-13657)(E-1485)	392.170	am	(P-8239; A-14723)
110.110	am	(P-3258; A-13657)(E-1485)	392.200	am	(P-8239; A-14723)
110.120	am	(P-3258; A-13657)(E-1485)	500.200	am	(P-16941; A-6642)
			500.230	am	(P-16941; A-6642)
800.10	r	(P-3792; A-6659)	160.210	am	(P-3314; A-13699)(E-1543)
800.20	r	(P-3792; A-6659)	160.220	am	(P-3314; A-13699)(E-1543)
800.30	am	(P-3792; A-6659)	160.230	am	(P-3314; A-13699)(E-1543)
800.40	am	(P-3792; A-6659)	160.240	n	(P-3314; A-13699)(E-1543)
800.50	am	(P-3792; A-6659)	160.250	n	(P-3314; A-13699)(E-1543)
800.60	am	(P-3792; A-6659)	160.260	n	(P-3314; A-13699)(E-1543)
900.10	am	(P-8251; A-14934)	190.70	am	(P-6012; A-17317)
900.20	am	(P-8251; A-14934)	300.20	am	(P-8248; A-14729)
900.30	am	(P-8251; A-14934)	356.20	am	(P-8245; A-14729)
900.40	am	(P-8251; A-14934)	360.10	n	(E-12963)(P-14122)
900.50	am	(P-8251; A-14934)	360.100	n	(E-12963)(P-14122)
900.60	am	(P-8251; A-14934)	360.120	n	(E-12963)(P-14122)
900.70	am	(P-8251; A-14934)	360.130	n	(E-12963)(P-14122)
900.80	am	(P-8251; A-14934)	360.140	n	(E-12963)(P-14122)
900.90	am	(P-8251; A-14934)	360.150	n	(E-12963)(P-14122)
900.100	am	(P-8251; A-14934)	360.160	n	(E-12963)(P-14122)
900.110	am	(P-8251; A-14934)	360.170	n	(E-12963)(P-14122)
900.120	am	(P-8251; A-14934)	360.200	n	(E-12963)(P-14122)
900.160	am	(P-8251; A-14934)	360.210	n	(E-12963)(P-14122)
900.180	am	(P-8251; A-14934)	360.300	n	(E-12963)(P-14122)
900.210	am	(P-8251; A-14934)	360.310	n	(E-12963)(P-14122)
1000.110	am	(P-16243; A-6707)	360.400	n	(E-12963)(P-14122)
1000.141	am	(P-16243; A-6707)	360.410	n	(E-12963)(P-14122)
1000.142	am	(P-16243; A-6707)	360.420	n	(E-12963)(P-14122)
1000.151	n	(P-16243; A-6707)	360.500	n	(E-12963)(P-14122)
1075.100	am	(P-16255; A-6719)	360.510	n	(E-12963)(P-14122)
1075.130	am	(P-16255; A-6719)	360.520	n	(E-12963)(P-14122)
1075.140	am	(P-16255; A-6719)	360.600	n	(E-12963)(P-14122)
1075.141	n	(P-16255; A-6719)	360.610	n	(E-12963)(P-14122)
1075.310	am	(P-16255; A-6719)	360.620	n	(E-12963)(P-14122)
1075.400	r	(P-16255; A-6719)	360.630	n	(E-12963)(P-14122)
1075.430	am	(P-16255; A-6719)	360.640	n	(E-12963)(P-14122)
1075.480	am	(P-16255; A-6719)	390.10	r	(P-115; A-6705)
1075.505	am	(P-16255; A-6719)	390.20	r	(P-115; A-6705)
1075.515	am	(P-16255; A-6719)	390.30	r	(P-115; A-6705)
1075.520	am	(P-16255; A-6719)	390.40	r	(P-115; A-6705)
1075.525	r	(P-16255; A-6719)	390.50	r	(P-115; A-6705)
1075.530	am	(P-16255; A-6719)	390.60	r	(P-115; A-6705)
1075.535	am	(P-16255; A-6719)	390.70	r	(P-115; A-6705)
1075.600	am	(P-16255; A-6719)	390.80	r	(P-115; A-6705)
1075.700	am	(P-16255; A-6719)	390.90	r	(P-115; A-6705)
1075.720	am	(P-16255; A-6719)	390.100	r	(P-115; A-6705)
1075.730	am	(P-16255; A-6719)	392.10	am	(P-8239; A-14723)
1075.750	am	(P-16255; A-6719)	392.20	am	(P-8239; A-14723)
1075.1100	am	(P-16255; A-6719)	392.30	am	(P-8239; A-14723)
1075.1105	am	(P-16255; A-6719)	392.40	am	(P-8239; A-14723)
1075.1110	am	(P-16255; A-6719)	392.80	am	(P-8239; A-14723)
1075.1111	n	(P-16255; A-6719)	392.170	am	(P-8239; A-14723)
1075.1115	am	(P-16255; A-6719)	392.200	am	(P-8239; A-14723)
1075.1210	am	(P-16255; A-6719)	500.200	am	(P-16941; A-6642)
1075.1220	am	(P-16255; A-6719)	500.230	am	(P-16941; A-6642)
1075.1230	am	(P-16255; A-6719)			
1075.1240	r	(P-16255; A-6719)			
1075.1245	am	(P-16255; A-6719)			
1075.1270	am	(P-16255; A-6719)			
1075.1285	am	(P-16255; A-6719)			
1075.1305	r	(P-16255; A-6719)			
1075.1330	am	(P-16255; A-6719)			

Title 38 (cont'd)	
1075.1410 am	(P-16255/97:A-6719)
1075.1415 am	(P-16255/97:A-6719)
1075.1420 am	(P-16255/97:A-6719)
1075.1425 r	(P-16255/97:A-6719)
1075.1450 am	(P-16255/97:A-6719)
1075.1510 r	(P-16255/97:A-6719)
1075.1520 am	(P-16255/97:A-6719)
1075.1530 am	(P-16255/97:A-6719)
1075.1700 am	(P-16255/97:A-6719)
1075.1800 am	(P-16255/97:A-6719)
1075.1810 r	(P-16255/97:A-6719)
1075.1835 am	(P-16255/97:A-6719)
1075.1845 am	(P-16255/97:A-6719)
1075.2040 am	(P-16255/97:A-6719)
1075.2440 am	(P-16255/97:A-6719)
1050.180 n	(P-12815/97:A-230)
1455.10 n	(E-8534)
1455.400 n	(E-8534)
1455.405 n	(E-8534)
1455.410 n	(E-8534)
1455.415 n	(E-8534)
1455.420 n	(E-8534)
1455.425 n	(E-8534)
1455.430 n	(E-8534)
1455.435 n	(E-8534)
1455.440 n	(E-8534)
1455.445 n	(E-8534)
1455.450 n	(E-8534)
1455.455 n	(E-8534)
1455.460 n	(E-8534)
1455.465 n	(E-8534)
1455.470 n	(E-8534)
1455.475 n	(E-8534)
1455.480 n	(E-8534)
1455.485 n	(E-8534)
1455.487 n	(E-8534)
1455.490 n	(E-8534)
1455.495 n	(E-8534)
1455.500 n	(E-8534)
1455.Ap.A n	(E-8534)
1455.Ap.B n	(E-8534)

TITLE 41

100.7 am	(P-15862)
120.10 am	(P-6786)
120.20 am	(P-6786)
120.500 n	(P-6786)
120.1000 am	(P-6786)
120.1030 am	(P-6786)
120.1041 am	(P-6786)
120.Ap.A n	(P-6786)

140.15 am	(P-13238/97:A-1314)
140.20 am	(P-13238/97:A-1314)
140.300 am	(P-13238/97:A-1314)
140.310 am	(P-13238/97:A-1314)
140.320 am	(P-13238/97:A-1314)
140.325 am	(P-13238/97:A-1314)
140.350 am	(P-13238/97:A-1314)
140.500 am	(P-13238/97:A-1314)
170.110 am	(P-8639)
170.422 am	(P-8639)
170.426 am	(P-8639)
170.542 am	(P-8639)
170.545 am	(P-8639)
180.20 am	(P-13714/97:A-3836)

TITLE 44

1.01 n	(P-8154) (E-12726)
1.05 n	(P-8154) (E-12726)
1.08 n	(P-8154) (E-12726)
1.10 n	(P-8154) (E-12726)
1.15 n	(P-8154) (E-12726)
1.25 n	(P-8154) (E-12726)
1.30 n	(P-8154) (E-12726)
1.100 r	(P-8067) (E-12632)
1.110 r	(P-8067) (E-12632)
1.120 r	(P-8067) (E-12632)
1.130 r	(P-8067) (E-12632)
1.200 r	(P-8067) (E-12632)
1.210 r	(P-8067) (E-12632)
1.220 r	(P-8067) (E-12632)
1.230 r	(P-8067) (E-12632)
1.240 r	(P-8067) (E-12632)
1.300 r	(P-8067) (E-12632)
1.310 r	(P-8067) (E-12632)
1.320 r	(P-8067) (E-12632)
1.330 r	(P-8067) (E-12632)
1.340 r	(P-8067) (E-12632)
1.350 r	(P-8067) (E-12632)
1.400 r	(P-8067) (E-12632)
1.410 r	(P-8067) (E-12632)
1.420 r	(P-8067) (E-12632)
1.500 r	(P-8067) (E-12632)
1.510 r	(P-8067) (E-12632)
1.520 r	(P-8067) (E-12632)
1.525 n	(P-8154) (E-12632)
1.530 r	(P-8067) (E-12632)
1.540 r	(P-8067) (E-12632)
1.550 r	(P-8067) (E-12632)
1.560 r	(P-8067) (E-12632)
1.600 r	(P-8067) (E-12632)
1.610 r	(P-8067) (E-12632)
1.620 r	(P-8067) (E-12632)
1.630 r	(P-8067) (E-12632)

Title 44 (cont'd)	
1.700 r	(P-8067) (E-12632)
1.710 r	(P-8067) (E-12632)
1.720 r	(P-8067) (E-12632)
1.730 r	(P-8067) (E-12632)
1.740 r	(P-8067) (E-12632)
1.750 r	(P-8067) (E-12632)
1.760 r	(P-8067) (E-12632)
1.800 r	(P-8067) (E-12632)
1.810 r	(P-8067) (E-12632)
1.820 r	(P-8067) (E-12632)
1.830 r	(P-8067) (E-12632)
1.840 r	(P-8067) (E-12632)
1.900 r	(P-8067) (E-12632)
1.910 r	(P-8067) (E-12632)
1.920 r	(P-8067) (E-12632)
1.930 r	(P-8067) (E-12632)
1.940 r	(P-8067) (E-12632)
1.950 r	(P-8067) (E-12632)
1.960 r	(P-8067) (E-12632)
1.1000 r	(P-8067) (E-12632)
1.1005 n	(P-8154) (E-12726)
1.1010 r	(P-8067) (E-12632)
1.1020 n	(P-8154) (E-12726)
1.1030 r	(P-8067) (E-12632)
1.1040 r	(P-8154) (E-12726)
1.1050 n	(P-8067) (E-12632)
1.1060 r	(P-8154) (E-12726)
1.1070 n	(P-8067) (E-12632)
1.1075 n	(P-8154) (E-12726)
1.1100 r	(P-8067) (E-12632)
1.1110 r	(P-8067) (E-12632)
1.1120 r	(P-8067) (E-12632)
1.1130 r	(P-8067) (E-12632)
1.1140 r	(P-8067) (E-12632)
1.1150 r	(P-8067) (E-12632)
1.1160 r	(P-8067) (E-12632)
1.1170 r	(P-8067) (E-12632)
1.1180 r	(P-8067) (E-12632)
1.1190 r	(P-8067) (E-12632)
1.1200 r	(P-8067) (E-12632)
1.1210 r	(P-8067) (E-12632)
1.1300 r	(P-8067) (E-12632)
1.1310 r	(P-8067) (E-12632)
1.1320 r	(P-8067) (E-12632)
1.1330 r	(P-8067) (E-12632)

1.1340 r	(P-8067) (E-12632)
1.1350 r	(P-8067) (E-12632)
1.1400 r	(P-8067) (E-12632)
1.1410 r	(P-8067) (E-12632)
1.1500 r	(P-8067) (E-12632)
1.1510 r	(P-8067) (E-12632)
1.1520 n	(P-8154) (E-12726)
1.1525 r	(P-8067) (E-12632)
1.1530 n	(P-8154) (E-12726)
1.1535 r	(P-8067) (E-12632)
1.1540 r	(P-8067) (E-12632)
1.1550 n	(P-8154) (E-12726)
1.1560 n	(P-8154) (E-12726)
1.1570 n	(P-8154) (E-12726)
1.1580 n	(P-8154) (E-12726)
1.1590 n	(P-8154) (E-12726)
1.1600 r	(P-8067) (E-12632)
1.1610 r	(P-8067) (E-12632)
1.1620 r	(P-8067) (E-12632)
1.1630 r	(P-8067) (E-12632)
1.1640 r	(P-8067) (E-12632)
1.1650 r	(P-8067) (E-12632)
1.1700 r	(P-8067) (E-12632)
1.1710 r	(P-8067) (E-12632)
1.1720 r	(P-8067) (E-12632)
1.1730 r	(P-8067) (E-12632)
1.1740 r	(P-8067) (E-12632)
1.1800 r	(P-8067) (E-12632)
1.1810 r	(P-8067) (E-12632)
1.1820 r	(P-8067) (E-12632)
1.1830 r	(P-8067) (E-12632)
1.1840 r	(P-8067) (E-12632)
1.1850 r	(P-8067) (E-12632)
1.1860 r	(P-8067) (E-12632)
1.1900 r	(P-8067) (E-12632)
1.1910 r	(P-8067) (E-12632)
1.1920 r	(P-8067) (E-12632)
1.1930 r	(P-8067) (E-12632)
1.2000 r	(P-8067) (E-12632)
1.2005 n	(P-8154) (E-12726)
1.2010 r	(P-8067) (E-12632)
1.2012 n	(P-8154) (E-12726)
1.2015 n	(P-8154) (E-12726)
1.2020 r	(P-8067) (E-12632)
1.2025 n	(P-8154) (E-12726)
1.2030 r	(P-8067) (E-12632)
1.2035 n	(P-8154) (E-12726)
1.2036 n	(P-8154) (E-12726)
1.2037 n	(P-8154) (E-12726)
1.2038 n	(P-8154) (E-12726)

Title 44 (cont'd)		Title 44 (cont'd)		Title 44 (cont'd)	
1.2040	r	(P-8067) (E-12632)	1.5020	n	(P-8154) (E-12726)
		(P-8154) (E-12726)	1.5030	n	(P-8154) (E-12726)
1.2043	n	(P-8154) (E-12726)	1.5310	n	(P-8154) (E-12726)
1.2044	n	(P-8154) (E-12726)	1.5510	n	(P-8154) (E-12726)
1.2045	n	(P-8154) (E-12726)	1.5520	n	(P-8154) (E-12726)
1.2046	n	(P-8154) (E-12726)	1.5530	n	(P-8154) (E-12726)
1.2047	n	(P-8154) (E-12726)	1.5540	n	(P-8154) (E-12726)
		(P-8154) (E-12726)	1.5550	n	(P-8154) (E-12726)
1.2050	n	(P-8154) (E-12726)	1.6010	n	(P-8154) (E-12726)
1.2055	n	(P-8154) (E-12726)	1.6500	n	(P-8154) (E-12726)
1.2060	n	(P-8154) (E-12726)	1.6510	n	(P-8154) (E-12726)
1.2100	r	(P-8067) (E-12632)	1.6520	n	(P-8154) (E-12726)
1.2120	r	(P-8067) (E-12632)	1.6530	n	(P-8154) (E-12726)
1.2130	r	(P-8067) (E-12632)	1.6535	n	(P-8154) (E-12726)
1.2140	r	(P-8067) (E-12632)	1.7000	n	(P-8154) (E-12726)
1.2200	r	(P-8067) (E-12632)	1.7010	n	(P-8154) (E-12726)
1.2210	r	(P-8067) (E-12632)	1.7015	n	(P-8154) (E-12726)
1.2215	r	(P-8067) (E-12632)	1.7020	n	(P-8154) (E-12726)
1.2220	r	(P-8067) (E-12632)	1.7025	n	(P-8154) (E-12726)
1.2225	r	(P-8067) (E-12632)	1.7030	n	(P-8154) (E-12726)
1.2230	r	(P-8067) (E-12632)	10.5	n	(P-8933) (E-12584)
1.2300	r	(P-8067) (E-12632)	10.10	n	(P-8933) (E-12584)
1.2310	r	(P-8067) (E-12632)	10.20	n	(P-8933) (E-12584)
1.2320	r	(P-8067) (E-12632)	10.24	n	(P-8933) (E-12584)
1.2330	r	(P-8067) (E-12632)	10.25	n	(P-8933) (E-12584)
1.2340	r	(P-8067) (E-12632)	10.30	n	(P-8933) (E-12584)
1.2350	r	(P-8067) (E-12632)	10.32	n	(P-8933) (E-12584)
1.2360	r	(P-8067) (E-12632)	10.35	n	(P-8933) (E-12584)
1.2400	r	(P-8067) (E-12632)	10.40	n	(P-8933) (E-12584)
1.2410	r	(P-8067) (E-12632)	10.50	n	(P-8933) (E-12584)
1.2420	r	(P-8067) (E-12632)	10.55	n	(P-8933) (E-12584)
1.2430	r	(P-8067) (E-12632)	10.60	n	(P-8933) (E-12584)
1.2440	r	(P-8067) (E-12632)	10.61	n	(P-8933) (E-12584)
1.2450	r	(P-8067) (E-12632)	10.62	n	(P-8933) (E-12584)
1.2460	r	(P-8067) (E-12632)	10.63	n	(P-8933) (E-12584)
1.2470	r	(P-8067) (E-12632)	10.64	n	(P-8933) (E-12584)
1.2570	n	(P-8154) (E-12726)	10.65	n	(P-8933) (E-12584)
1.2800	n	(P-8154) (E-12726)	10.66	n	(P-8933) (E-12584)
1.3005	n	(P-8154) (E-12726)	10.67	n	(P-8933) (E-12584)
1.4005	n	(P-8154) (E-12726)	10.68	n	(P-8933) (E-12584)
1.4510	n	(P-8154) (E-12726)	10.69	n	(P-8933) (E-12584)
1.4535	n	(P-8154) (E-12726)	10.70	n	(P-8933) (E-12584)
1.4540	n	(P-8154) (E-12726)	10.71	n	(P-8933) (E-12584)
1.4545	n	(P-8154) (E-12726)	10.72	n	(P-8933) (E-12584)
1.4570	n	(P-8154) (E-12726)	10.80	n	(P-8933) (E-12584)
1.5013	n	(P-8154) (E-12726)	10.90	n	(P-8933) (E-12584)
1.5015	n	(P-8154) (E-12726)	10.91	n	(P-8933) (E-12584)
		(P-8154) (E-12726)	10.100	n	(P-8933) (E-12584)
		(P-8154) (E-12726)	525.10	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)
		(P-8154) (E-12726)	525.20	r	(P-10814; A-14941)

Title 44 (cont'd)		Title 44 (cont'd)		Title 44 (cont'd)	
535.	r	(P-12116/97;A-16269) (E-15018)	n	(P-9470)(E-11602)	r
540.	r	(P-12110/97; A-16271) (E-15021)	n	(P-9470)(E-11602)	r
610.100	am	(P-14598)	n	(P-9470)(E-11602)	r
610.120	am	(P-14598)	n	(P-9470)(E-11602)	r
610.210	am	(P-14598)	n	(P-9470)(E-11602)	r
610.300	am	(P-14598)	n	(P-9470)(E-11602)	r
610.310	am	(P-14598)	n	(P-9470)(E-11602)	r
610.320	am	(P-14598)	n	(P-9470)(E-11602)	r
610.400	n	(P-14598)	n	(P-9470)(E-11602)	r
610.410	n	(P-14598)	n	(P-9470)(E-11602)	r
610.420	n	(P-14598)	n	(P-9470)(E-11602)	r
610.430	n	(P-14598)	n	(P-9470)(E-11602)	r
610.440	n	(P-14598)	n	(P-9470)(E-11602)	r
610.450	n	(P-14598)	n	(P-9470)(E-11602)	r
610.500	n	(P-14598)	n	(P-9470)(E-11602)	r
610.510	n	(P-14598)	n	(P-9470)(E-11602)	r
610.520	n	(P-14598)	n	(P-9470)(E-11602)	r
610.530	n	(P-14598)	n	(P-9470)(E-11602)	r
610.540	n	(P-14598)	n	(P-9470)(E-11602)	r
650.20	am	(P-9505)	n	(P-9470)(E-11602)	r
650.30	am	(P-9505)	n	(P-9470)(E-11602)	r
650.80	am	(P-9505)	n	(P-9470)(E-11602)	r
650.110	am	(P-9505)	n	(P-9470)(E-11602)	r
650.290	am	(P-9505)	n	(P-9470)(E-11602)	r
650.300	am	(P-9505)	n	(P-9470)(E-11602)	r
650.310	am	(P-9505)	n	(P-9470)(E-11602)	r
650.315	n	(P-9505)	n	(P-9470)(E-11602)	r
660.10	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.20	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.30	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.40	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.50	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.60	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.70	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.80	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.90	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.100	n	(C-11228)	n	(P-9470)(E-11602)	r
660.110	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.120	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.130	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.140	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.150	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.160	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.170	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.180	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.190	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.200	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.210	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r
660.220	n	(P-9470)(E-11602)	n	(P-9470)(E-11602)	r

[illegible]

Title 44 (cont'd)		Title 44 (cont'd)	
1400.6030 n	(P-7902;A-15644) (E-13169)	1600.7000 n	(P-12464)(E-12893)
1400.6035 n	(P-7902;A-15644) (E-13169)	1600.7010 n	(P-12464)(E-12893)
1500.01 n	(P-12458)(E-12823)	1600.7015 n	(P-12458)(E-12823)
1500.05 n	(P-12458)(E-12823)	1600.7020 n	(P-12458)(E-12823)
1500.10 n	(P-12458)(E-12823)	1600.7025 n	(P-12458)(E-12823)
1500.15 n	(P-12458)(E-12823)	1600.7030 n	(P-12464)(E-12893)
1500.25 n	(P-12458)(E-12823)	2000.1 n	(P-11695)(E-12208)
1500.525 n	(P-12458)(E-12823)	2000.5 n	(P-11695)(E-12208)
1500.525 n	(P-12458)(E-12823)	2000.8 n	(P-11695)(E-12208)
1500.1005 n	(P-12458)(E-12823)	2000.10 n	(P-11695)(E-12208)
1500.1510 n	(P-12458)(E-12823)	2000.15 n	(P-11695)(E-12208)
1500.1570 n	(P-12458)(E-12823)	2000.25 n	(P-11695)(E-12208)
1500.1580 n	(P-12458)(E-12823)	2000.525 n	(P-11695)(E-12208)
1500.2005 n	(P-12458)(E-12823)	2000.1005 n	(P-11695)(E-12208)
1500.2012 n	(P-12458)(E-12823)	2000.1510 n	(P-11695)(E-12208)
1500.2015 n	(P-12458)(E-12823)	2000.1560 n	(P-11695)(E-12208)
1500.2030 n	(P-12458)(E-12823)	2000.1570 n	(P-11695)(E-12208)
1500.2035 n	(P-12458)(E-12823)	2000.1580 n	(P-11695)(E-12208)
1500.2036 n	(P-12458)(E-12823)	2000.2010 n	(P-11695)(E-12208)
1500.2037 n	(P-12458)(E-12823)	2000.2012 n	(P-11695)(E-12208)
1500.2038 n	(P-12458)(E-12823)	2000.2015 n	(P-11695)(E-12208)
1500.2040 n	(P-12458)(E-12823)	2000.2020 n	(P-11695)(E-12208)
1500.2040 n	(P-12458)(E-12823)	2000.2025 n	(P-11695)(E-12208)
1500.2043 n	(P-12458)(E-12823)	2000.2030 n	(P-11695)(E-12208)
1500.2043 n	(P-12458)(E-12823)	2000.2035 n	(P-11695)(E-12208)
1500.2045 n	(P-12458)(E-12823)	2000.2036 n	(P-11695)(E-12208)
1500.2047 n	(P-12458)(E-12823)	2000.2037 n	(P-11695)(E-12208)
1500.2050 n	(P-12458)(E-12823)	2000.2038 n	(P-11695)(E-12208)
1500.2050 n	(P-12458)(E-12823)	2000.2040 n	(P-11695)(E-12208)
1500.2055 n	(P-12458)(E-12823)	2000.2043 n	(P-11695)(E-12208)
1500.2060 n	(P-12458)(E-12823)	2000.2044 n	(P-11695)(E-12208)
1500.2560 n	(P-12458)(E-12823)	2000.2045 n	(P-11695)(E-12208)
1500.2570 n	(P-12458)(E-12823)	2000.2046 n	(P-11695)(E-12208)
1500.4505 n	(P-12458)(E-12823)	2000.2047 n	(P-11695)(E-12208)
1500.4510 n	(P-12458)(E-12823)	2000.2050 n	(P-11695)(E-12208)
1500.4530 n	(P-12458)(E-12823)	2000.2055 n	(P-11695)(E-12208)
1500.4535 n	(P-12458)(E-12823)	2000.2060 n	(P-11695)(E-12208)
1500.4540 n	(P-12458)(E-12823)	2000.2570 n	(P-11695)(E-12208)
1500.4570 n	(P-12458)(E-12823)	2000.2800 n	(P-11695)(E-12208)
1500.5013 n	(P-12458)(E-12823)	2000.3005 n	(P-11695)(E-12208)
1500.5013 n	(P-12458)(E-12823)	2000.4005 n	(P-11695)(E-12208)
1500.5020 n	(P-12458)(E-12823)	2000.4510 n	(P-11695)(E-12208)
1500.5030 n	(P-12458)(E-12823)	2000.4530 n	(P-11695)(E-12208)
1500.5035 n	(P-12458)(E-12823)	2000.4535 n	(P-11695)(E-12208)
1500.5510 n	(P-12458)(E-12823)	2000.4540 n	(P-11695)(E-12208)
1500.5520 n	(P-12458)(E-12823)	2000.4545 n	(P-11695)(E-12208)
1500.5530 n	(P-12458)(E-12823)	2000.4570 n	(P-11695)(E-12208)
1500.5540 n	(P-12458)(E-12823)	1600.5540 n	(P-12464)(E-12893)
1500.5550 n	(P-12458)(E-12823)	1600.5550 n	(P-12464)(E-12893)
1500.6500 n	(P-12458)(E-12823)	1600.6510 n	(P-12464)(E-12893)
1500.6510 n	(P-12458)(E-12823)	1600.6520 n	(P-12464)(E-12893)
2000.5020 n	(P-11695)(E-12208)	2000.5015 n	(P-11695)(E-12208)
2000.5030 n	(P-11695)(E-12208)		
2000.5035 n	(P-11695)(E-12208)		
2000.5310 n	(P-11695)(E-12208)		
2000.5510 n	(P-11695)(E-12208)		
2000.5520 n	(P-11695)(E-12208)		
2000.5530 n	(P-11695)(E-12208)		
2000.5540 n	(P-11695)(E-12208)		
2000.5550 n	(P-11695)(E-12208)		
2000.6010 n	(P-11695)(E-12208)		
2000.6500 n	(P-11695)(E-12208)		
2000.7000 n	(P-11695)(E-12208)		
2000.7010 n	(P-11695)(E-12208)		
2000.7015 n	(P-11695)(E-12208)		
2000.7020 n	(P-11695)(E-12208)		
2000.7025 n	(P-11695)(E-12208)		
2000.7030 n	(P-11695)(E-12208)		
5000.120 am	(P-8053)(E-12569)		
5000.230 am	(P-8053)(E-12569)		
5000.231 n	(P-8053)(E-12569)		
5000.232 n	(P-8053)(E-12569)		
5000.233 n	(P-8053)(E-12569)		
5000.234 n	(P-8053)(E-12569)		
5000.235 n	(P-8053)(E-12569)		
5000.240 am	(P-8053)(E-12569)		
5000.250 am	(P-8053)(E-12569)		
5000.660 am	(P-8053)(E-12569)		
5010.1410 r	(P-14699/97; A-6931)		
TITLE 47			
110.10 am	(P-6134/97; A-1910)		
110.30 am	(P-6134/97; A-1910)		
110.40 am	(P-6134/97; A-1910)		
110.60 am	(P-6134/97; A-1910)		
110.70 am	(P-6134/97; A-1910)		
110.80 am	(P-6134/97; A-1910)		
110.91 am	(P-6134/97; A-1910)		
110.230 am	(P-6134/97; A-1910)		
110.260 am	(P-6134/97; A-1910)		
110.280 am	(P-6134/97; A-1910)		
110.330 am	(P-6134/97; A-1910)		
110.340 am	(P-6134/97; A-1910)		
110.360 am	(P-6134/97; A-1910)		
220.109 am	(P-13749/97; A-3861)		
250.109 am	(P-13753/97; A-3865)		
260.109 am	(P-13738/97; A-3851)		
310.103 am	(P-14081)		
310.109 r	(P-13742/97; A-3854)		
310.103 am	(P-14081)		
310.702 am	(P-13742/97; A-3854)		
310.802 am	(P-14081)		
310.803 am	(P-14081)		
360.109 am	(P-13773/97; A-4321)		

Title 47 (cont'd)				Title 50 (cont'd)			
365.109	(P-13728/97;A-3846)	1406.30	n	(P-12382/97;A-3038)	Ex.D	am	(P-11380/97;A-2105)
		1406.40	n	(P-12382/97;A-3038)	Ex.F	n	(P-11380/97;A-2105)
		1406.50	n	(P-11685)	Ex.G	n	(P-11380/97;A-2105)
			n	(P-12382/97;A-3038)	Ex.H	n	(P-11380/97;A-2105)
		1406.60	n	(P-12382/97;A-3038)	2051.Ex.A	am	(RQ-2456;EC-5126)
		1406.70	n	(P-12382/97;A-3038)			
		1406.80	n	(P-12382/97;A-3038)			
		1406.90	n	(P-11685)			
			n	(P-12382/97;A-3038)	2500.10	n	(P-16946)
		1406.100	n	(P-11685)	2500.20	n	(P-16946)
			n	(P-12382/97;A-3038)	2500.30	n	(P-16946)
		1406.110	n	(P-8652; A-16462)	2500.40	n	(P-16946)
		1407.10	am	(P-8652; A-16462)	2500.50	n	(P-16946)
		1407.20	am	(P-8652; A-16462)	2500.60	n	(P-16946)
		1407.30	am	(P-8652; A-16462)	2500.70	n	(P-16946)
		1407.60	am	(P-8652; A-16462)	2500.80	n	(P-16946)
		2008.30	am	(P-17207)	2505.10	n	(P-16936)
		2008.40	am	(P-17207)	2505.20	n	(P-16936)
		2008.45	n	(P-17207)	2505.30	n	(P-16936)
		2008.72	am	(P-17207)	2505.40	n	(P-16936)
		2008.75	am	(P-17207)	2505.50	n	(P-16936)
		2008.76	n	(P-17207)	2505.60	n	(P-16936)
		2008.80	am	(P-17207)	2505.70	n	(P-16936)
		2008.82	am	(P-17207)	2505.80	n	(P-16936)
		2008.90	am	(P-17207)	2505.90	n	(P-16936)
		2008.91	am	(P-17207)	2505.100	n	(P-16936)
		2008.100	am	(P-17207)	2505.110	n	(P-16936)
		2008.Ap.A	am	(P-17207)	2505.120	n	(P-16936)
		2008.Ap.B	am	(P-17207)	2505.11.A	n	(P-16936)
		2008.Ap.C	am	(P-17207)	2505.11.B	n	(P-16936)
		2008.Ap.D	am	(P-17207)	2510.10	n	(P-16873)
		2008.Ap.E	am	(P-17207)	2510.20	n	(P-16873)
		2008.Ap.F	am	(P-17207)	2510.30	n	(P-16873)
		2008.Ap.G	am	(P-17207)	2510.40	n	(P-16873)
		2008.Ap.H	am	(P-17207)	2510.50	n	(P-16873)
		2008.Ap.I	am	(P-17207)	2510.60	n	(P-16873)
		2008.Ap.J	am	(P-17207)	2510.70	n	(P-16873)
		2008.Ap.K	am	(P-17207)	2510.80	n	(P-16873)
		2008.Ap.L	am	(P-17207)	2510.90	n	(P-16873)
		2008.Ap.M	am	(P-17207)	2510.100	n	(P-16873)
		2008.Ap.N	am	(P-17207)	2510.110	n	(P-16873)
		2008.Ap.O	am	(P-17207)	2510.120	n	(P-16873)
		2008.Ap.P	am	(P-17207)	2510.130	n	(P-16873)
		2008.Ap.Q	am	(P-17207)	2510.140	n	(P-16873)
		2008.Ap.R	am	(P-17207)	2510.150	n	(P-16873)
		2008.Ap.S	am	(P-17207)	2510.160	n	(P-16873)
		2008.Ap.T	am	(P-17207)	2510.170	n	(P-16873)
		2008.Ap.U	am	(P-17207)	2510.180	n	(P-16873)
		2008.Ap.V	am	(P-17207)	2510.190	n	(P-16873)
		2008.Ap.W	am	(P-17207)	2510.200	n	(P-16873)
		2008.Ap.X	am	(P-17207)	2510.210	n	(P-16873)
		2008.Ap.Y	am	(P-17207)	2510.220	n	(P-16873)
		2008.Ap.Z	am	(P-17207)	2510.230	n	(P-16873)
		2008.Ap.AA	am	(P-17207)	2510.240	n	(P-16873)
		2008.Ap.AB	am	(P-17207)	2510.250	n	(P-16873)
		2008.Ap.AC	am	(P-17207)	2510.260	n	(P-16873)
		2008.Ap.AD	am	(P-17207)	2510.270	n	(P-16873)
		2008.Ap.AE	am	(P-17207)	2510.280	n	(P-16873)
		2008.Ap.AF	am	(P-17207)	2510.290	n	(P-16873)
		2008.Ap.AG	am	(P-17207)	2510.300	n	(P-16873)
		2008.Ap.AH	am	(P-17207)	2510.310	n	(P-16873)
		2008.Ap.AI	am	(P-17207)	2510.320	n	(P-16873)
		2008.Ap.AJ	am	(P-17207)	2510.330	n	(P-16873)
		2008.Ap.AK	am	(P-17207)	2510.340	n	(P-16873)
		2008.Ap.AL	am	(P-17207)	2510.350	n	(P-16873)
		2008.Ap.AM	am	(P-17207)	2510.360	n	(P-16873)
		2008.Ap.AN	am	(P-17207)	2510.370	n	(P-16873)
		2008.Ap.AO	am	(P-17207)	2510.380	n	(P-16873)
		2008.Ap.AP	am	(P-17207)	2510.390	n	(P-16873)
		2008.Ap.AQ	am	(P-17207)	2510.400	n	(P-16873)
		2008.Ap.AR	am	(P-17207)	2510.410	n	(P-16873)
		2008.Ap.AS	am	(P-17207)	2510.420	n	(P-16873)
		2008.Ap.AT	am	(P-17207)	2510.430	n	(P-16873)
		2008.Ap.AU	am	(P-17207)	2510.440	n	(P-16873)
		2008.Ap.AV	am	(P-17207)	2510.450	n	(P-16873)
		2008.Ap.AW	am	(P-17207)	2510.460	n	(P-16873)
		2008.Ap.AX	am	(P-17207)	2510.470	n	(P-16873)
		2008.Ap.AY	am	(P-17207)	2510.480	n	(P-16873)
		2008.Ap.AZ	am	(P-17207)	2510.490	n	(P-16873)
		2008.Ap.BA	am	(P-17207)	2510.500	n	(P-16873)
		2008.Ap.BB	am	(P-17207)	2510.510	n	(P-16873)
		2008.Ap.BC	am	(P-17207)	2510.520	n	(P-16873)
		2008.Ap.BD	am	(P-17207)	2510.530	n	(P-16873)
		2008.Ap.BE	am	(P-17207)	2510.540	n	(P-16873)
		2008.Ap.BF	am	(P-17207)	2510.550	n	(P-16873)
		2008.Ap.BG	am	(P-17207)	2510.560	n	(P-16873)
		2008.Ap.BH	am	(P-17207)	2510.570	n	(P-16873)
		2008.Ap.BI	am	(P-17207)	2510.580	n	(P-16873)
		2008.Ap.BJ	am	(P-17207)	2510.590	n	(P-16873)
		2008.Ap.BK	am	(P-17207)	2510.600	n	(P-16873)
		2008.Ap.BL	am	(P-17207)	2510.610	n	(P-16873)
		2008.Ap.BM	am	(P-17207)	2510.620	n	(P-16873)
		2008.Ap.BN	am	(P-17207)	2510.630	n	(P-16873)
		2008.Ap.BO	am	(P-17207)	2510.640	n	(P-16873)
		2008.Ap.BP	am	(P-17207)	2510.650	n	(P-16873)
		2008.Ap.BQ	am	(P-17207)	2510.660	n	(P-16873)
		2008.Ap.BR	am	(P-17207)	2510.670	n	(P-16873)
		2008.Ap.BS	am	(P-17207)	2510.680	n	(P-16873)
		2008.Ap.BT	am	(P-17207)	2510.690	n	(P-16873)
		2008.Ap.BU	am	(P-17207)	2510.700	n	(P-16873)
		2008.Ap.BV	am	(P-17207)	2510.710	n	(P-16873)
		2008.Ap.BW	am	(P-17207)	2510.720	n	(P-16873)
		2008.Ap.BX	am	(P-17207)	2510.730	n	(P-16873)
		2008.Ap.BY	am	(P-17207)	2510.740	n	(P-16873)
		2008.Ap.BZ	am	(P-17207)	2510.750	n	(P-16873)
		2008.Ap.CA	am	(P-17207)	2510.760	n	(P-16873)
		2008.Ap.CB	am	(P-17207)	2510.770	n	(P-16873)
		2008.Ap.CC	am	(P-17207)	2510.780	n	(P-16873)
		2008.Ap.CD	am	(P-17207)	2510.790	n	(P-16873)
		2008.Ap.CE	am	(P-17207)	2510.800	n	(P-16873)
		2008.Ap.CF	am	(P-17207)	2510.810	n	(P-16873)
		2008.Ap.CG	am	(P-17207)	2510.820	n	(P-16873)
		2008.Ap.CH	am	(P-17207)	2510.830	n	(P-16873)
		2008.Ap.CI	am	(P-17207)	2510.840	n	(P-16873)
		2008.Ap.CJ	am	(P-17207)	2510.850	n	(P-16873)
		2008.Ap.CK	am	(P-17207)	2510.860	n	(P-16873)
		2008.Ap.CL	am	(P-17207)	2510.870	n	(P-16873)
		2008.Ap.CM	am	(P-17207)	2510.880	n	(P-16873)
		2008.Ap.CN	am	(P-17207)	2510.890	n	(P-16873)
		2008.Ap.CO	am	(P-17207)	2510.900	n	(P-16873)
		2008.Ap.CP	am	(P-17207)	2510.910	n	(P-16873)
		2008.Ap.CQ	am	(P-17207)	2510.920	n	(P-16873)
		2008.Ap.CR	am	(P-17207)	2510.930	n	(P-16873)
		2008.Ap.CS	am	(P-17207)	2510.940	n	(P-16873)
		2008.Ap.CT	am	(P-17207)	2510.950	n	(P-16873)
		2008.Ap.CU	am	(P-17207)	2510.960	n	(P-16873)
		2008.Ap.CV	am	(P-17207)	2510.970	n	(P-16873)
		2008.Ap.CW	am	(P-17207)	2510.980	n	(P-16873)
		2008.Ap.CX	am	(P-17207)	2510.990	n	(P-16873)
		2008.Ap.CY	am	(P-17207)	2510.1000	n	(P-16873)
		2008.Ap.CZ	am	(P-17207)	2510.1010	n	(P-16873)
		2008.Ap.DA	am	(P-17207)	2510.1020	n	(P-16873)
		2008.Ap.DB	am	(P-17207)	2510.1030	n	(P-16873)
		2008.Ap.DC	am	(P-17207)	2510.1040	n	(P-16873)
		2008.Ap.DD	am	(P-17207)	2510.1050	n	(P-16873)
		2008.Ap.DE	am	(P-17207)	2510.1060	n	(P-16873)
		2008.Ap.DF	am	(P-17207)	2510.1070	n	(P-16873)
		2008.Ap.DG	am	(P-17207)	2510.1080	n	(P-16873)
		2008.Ap.DH	am	(P-17207)	2510.1090	n	(P-16873)
		2008.Ap.DI	am	(P-17207)	2510.1100	n	(P-16873)
		2008.Ap.DJ	am	(P-17207)	2510.1110	n	(P-16873)
		2008.Ap.DK	am	(P-17207)	2510.1120	n	(P-16873)
		2008.Ap.DL	am	(P-17207)	2510.1130	n	(P-16873)
		2008.Ap.DM	am	(P-17207)	2510.1140	n	(P-16873)
		2008.Ap.DN	am	(P-17207)	2510.1150	n	(P-16873)
		2008.Ap.DO	am	(P-17207)	2510.1160	n	(P-16873)
		2008.Ap.DP	am	(P-17207)	2510.1170	n	(P-16873)
		2008.Ap.DQ	am	(P-17207)	2510.1180	n	(P-16873)
		2008.Ap.DR	am	(P-17207)	2510.1190	n	(P-16873)
		2008.Ap.DS	am	(P-17207)	2510.1200	n	(P-16873)
		2008.Ap.DT	am	(P-17207)	2510.1210	n	(P-16873)
		2008.Ap.DU	am	(P-17207)	2510.1220	n	(P-16873)
		2008.Ap.DV	am	(P-17207)	2510.1230	n	(P-16873)
		2008.Ap.DW	am	(P-17207)	2510.1240	n	(P-16873)
		2008.Ap.DX	am	(P-17207)	2510.1250	n	(P-16873)
		2008.Ap.DY	am	(P-17207)	2510.1260	n	(P-16873)
		2008.Ap.DZ	am	(P-17207)	2510.1270	n	(P-16873)
		2008.Ap.EA	am	(P-17207)	2510.1280	n	(P-16873)
		2008.Ap.EB	am	(P-17207)	2510.1290	n	(P-16873)
		2008.Ap.EC	am	(P-17207)	2510.1300	n	(P-16873)
		2008.Ap.ED	am	(P-17207)	2510.1310	n	(P-16873)
		2008.Ap.EE	am	(P-17207)	2510.1320	n	(P-16873)
		2008.Ap.EF	am	(P-17207)	2510.1330	n	(P-16873)
		2008.Ap.EG	am	(P-17207)	2510.1340	n	(P-16873)
		2008.Ap.EH	am	(P-17207)	2510.1350	n	(P-16873)
		2008.Ap.EI	am	(P-17207)	2510.1360	n	(P-16873)
		2008.Ap.EJ	am	(P-17207)	2510.1370	n	(P-16873)
		2008.Ap.EK	am	(P-17207)	2510.1380	n	(P-16873)
		2008.Ap.EL	am	(P-17207)	2510.1390	n	(P-16873)
		2008.Ap.EM	am	(P-17207)	2510.1400	n	(P-16873)
		2008.Ap.EN	am	(P-17207)	2510.		

Title 50 (cont'd)			
4404.10	n	(P-16241/97;A-8391)	
4404.20	n	(P-16241/97;A-8391)	
4404.30	n	(P-16241/97;A-8391)	
4404.40	n	(P-16241/97;A-8391)	
4404.50	n	(P-16241/97;A-8391)	
4404.60	n	(P-16241/97;A-8391)	
4404.70	n	(P-16241/97;A-8391)	
4404.80	n	(P-16241/97;A-8391)	
4404.90	n	(P-16241/97;A-8391)	
4404.100	n	(P-16241/97;A-8391)	
4404.110	n	(P-16241/97;A-8391)	
4404.120	n	(P-16241/97;A-8391)	
4404.130	n	(P-16241/97;A-8391)	
4404.140	n	(P-16241/97;A-8391)	
4404 Ap.A	n	(P-16241/97;A-8391)	
4404 Ap.B	n	(P-16241/97;A-8391)	
4405.10	am	(P-5778; A-15308)	
4405.20	am	(P-5778; A-15308)	
4415.10	n	(P-2487;A-7987)	
4415.20	n	(P-2487;A-7987)	
4415.30	n	(P-2487;A-7987)	
4415.40	n	(P-2487;A-7987)	
4415.50	n	(P-2487;A-7987)	
4415.60	n	(P-2487;A-7987)	
4415.70	n	(P-2487;A-7987)	
4415.80	n	(P-2487;A-7987)	
4415.90	n	(P-2487;A-7987)	
4415 Il.A	n	(P-2487;A-7987)	
4415 Il.B	n	(P-2487;A-7987)	
4425.10	n	(P-7444; A-17345)	
4425.20	n	(P-7444; A-17345)	
4425.30	n	(P-7444; A-17345)	
4425.40	n	(P-7444; A-17345)	
4425.50	n	(P-7444; A-17345)	
4425.60	n	(P-7444; A-17345)	
4430.10	n	(P-16946/97;A-6692)	
4430.20	n	(P-16946/97;A-6692)	
4430.30	n	(P-16946/97;A-6692)	
4430.40	n	(P-16946/97;A-6692)	
4435.10	n	(P-2546/A-10459)	
4435.20	n	(P-2546/A-10459)	
4435.30	n	(P-2546/A-10459)	
4435.40	n	(P-2546/A-10459)	
4435.50	n	(P-2546/A-10459)	
4435.60	n	(P-2546/A-10459)	
4435.70	n	(P-2546/A-10459)	
4435.80	n	(P-2546/A-10459)	
5100.10	r	(P-12072/97;A-2103)	
5100.20	r	(P-12072/97;A-2103)	
5100.30	r	(P-12072/97;A-2103)	
5100.40	r	(P-12072/97;A-2103)	

Title 56			
5100.50	r	(P-12072/97;A-2103)	
5421.20	am	(P-15086/97;A-6671)	
5421.110	am	(P-15086/97;A-6671)	
5421.111	am	(P-15086/97;A-6671)	
5421.131	n	(P-15086/97;A-6671)	
TITLE 56			
350.280	am	(P-8283)	
2660.10	n	(P-12063/97;A-1182)	
2660.20	n	(P-12063/97;A-1182)	
2660.30	n	(P-12063/97;A-1182)	
2660.40	n	(P-12063/97;A-1182)	
2660.110	n	(P-12063/97;A-1182)	
2660.120	n	(P-12063/97;A-1182)	
2660.130	n	(P-12063/97;A-1182)	
2660.140	n	(P-12063/97;A-1182)	
2660.150	n	(P-12063/97;A-1182)	
2660.160	n	(P-12063/97;A-1182)	
2660.170	n	(P-12063/97;A-1182)	
2660.180	n	(P-12063/97;A-1182)	
2660.210	n	(P-12063/97;A-1182)	
2660.220	n	(P-12063/97;A-1182)	
2660.230	n	(P-12063/97;A-1182)	
2660.240	n	(P-12063/97;A-1182)	
2660.250	n	(P-12063/97;A-1182)	
2660.260	n	(P-12063/97;A-1182)	
2660.270	n	(P-12063/97;A-1182)	
2665.10	n	(P-2470)	
2770.110	am	(P-17180)	
5300.730	am	(P-12372/97;A-1336)	
5300.750	am	(P-12372/97;A-1336)	
6000.300	am	(P-3781/97;A-4499)	
TITLE 59			
50.10	n	(P-95)	
50.20	n	(P-95)	
50.30	n	(P-95)	
50.40	n	(P-95)	
50.50	n	(P-95)	
50.60	n	(P-95)	
50.70	n	(P-95)	
50.80	n	(P-95)	
103.120	am	(P-11677)(E-12176)	
104.20	r	(P-14514)	
113.10	r	(P-6354; A-16249)	
113.15	r	(P-6354; A-16249)	
113.20	r	(P-6354; A-16249)	
113.30	r	(P-6354; A-16249)	
113.40	r	(P-6354; A-16249)	
113.45	r	(P-6354; A-16249)	
113.50	r	(P-6354; A-16249)	
113.51	r	(P-6354; A-16249)	
113.55	r	(P-6354; A-16249)	

Title 59 (cont'd)			
113.60	r	(P-6354; A-16249)	
113.70	r	(P-6354; A-16249)	
113.80	r	(P-6354; A-16249)	
113.90	r	(P-6354; A-16249)	
113.100	r	(P-6354; A-16249)	
113.110	r	(P-6354; A-16249)	
113.120	r	(P-6354; A-16249)	
113.130	r	(P-6354; A-16249)	
113.140	r	(P-6354; A-16249)	
115.100	am	(P-14526)	
115.120	am	(P-14526)	
115.200	am	(P-14526)	
115.205	n	(P-14526)	
115.210	am	(P-14526)	
115.215	am	(P-14526)	
115.220	am	(P-14526)	
115.230	am	(P-14526)	
115.240	am	(P-14526)	
115.250	am	(P-14526)	
115.300	am	(P-14526)	
115.310	am	(P-14526)	
115.320	am	(P-6695/97;A-8382) (P-14526)	
115.321	am	(P-14526)	
115.325	am	(P-14526)	
115.400	am	(P-14526)	
115.420	am	(P-14526)	
115.430	am	(P-14526)	
115.440	am	(P-14526)	
115.450	am	(P-14526)	
115.460	am	(P-14526)	
115.470	am	(P-14526)	
115.500	n	(P-14526)	
115.510	n	(P-14526)	
115 Ap.A	r	(P-7086; A-16244)	
119.200	am	(P-7086; A-162400)	
119.232	n	(P-6680/97;A-7978)	
119.260	am	(P-14049)	
119.261	am	(E-12185)	
120.90	am	(P-6673/97;A-7962)	
121.45	am	(P-14503)	
132.30	am	(P-17205) (E-17354)	
135.5	n	(P-17205) (E-17354)	
135.10	n	(P-17205) (E-17354)	
135.15	am	(P-17205) (E-17354)	
135.20	n	(P-17205) (E-17354)	
135.30	am	(P-17205) (E-17354)	
135.40	am	(P-17205) (E-17354)	
135.50	am	(P-17205) (E-17354)	
135.60	r	(P-17205) (E-17354)	
135.70	am	(P-17205) (E-17354)	
135.80	r	(P-17205) (E-17354)	

TITLE 62			
240.10	am	(P-11301)	
240.155	n	(P-2044;A-8422)	
240.160	am	(P-2044;A-8422)	
240.170	r	(P-2044;A-8422)	
240.180	am	(P-2044;A-8422)	
240.185	n	(P-2044;A-8422)	
240.190	am	(P-2044;A-8422)	
240.250	am	(P-11301)	
240.251	am	(P-11301)	
240.255	am	(P-11301)	
240.310	am	(P-11301)	
240.311	n	(P-11301)	
240.312	n	(P-11301)	
240.340	am	(P-11301)	
240.360	am	(P-11301)	
240.380	am	(P-11301)	
240.385	am	(P-11301)	
240.540	am	(P-11301)	
240.820	am	(P-11301)	
240.840	am	(P-11301)	
240.860	am	(P-11301) (C-14000)	
240.861	am	(P-11301)	
240.870	n	(P-11301)	
240.875	am	(P-11301)	
240.880	am	(P-11301)	
240.905	am	(P-11301)	
240.926	am	(P-11301)	
240.1130	am	(P-11301)	
240.1131	am	(P-11301)	
240.1400	am	(P-11301)	
240.1410	am	(P-11301)	
240.1420	am	(P-11301)	
240.1425	n	(P-11301)	
240.1430	am	(P-11301)	
240.1440	am	(P-11301)	
240.1460	am	(P-11301)	
240.1465	n	(P-11301)	
240.1470	am	(P-11301)	
240.1480	am	(P-11301)	
240.1485	n	(P-11301)	
240.1490	am	(P-11301)	

Title 68 (cont'd)		Title 74 (cont'd)	
1455.10	r (E-12979) (P-14137)	750.70	am (P-1124; A-15631)
1455.15	r (E-13011) (P-14168)	750.80	am (P-1124; A-15631)
1455.16	r (E-12979) (P-14137)	750.100	am (P-1124; A-15631)
1455.20	r (E-13011) (P-14137)	750.110	am (P-1124; A-15631)
1455.30	am (E-4132)	750.150	r (P-1124; A-15631)
	r (E-12979) (P-14137)	750.Ap.A	am (P-1124; A-15631)
	n (E-13011) (P-14168)	750.Ap.C	am (P-1124; A-15631)
1455.40	r (E-12979) (P-14137)	TITLE 77	
1455.50	r (E-13011) (P-14168)	205.520	am (P-9720/97;A-9335)
1455.60	r (E-12979) (P-14137)	205.540	am (P-2523)
1455.70	r (E-13011) (P-14168)	215.100	n (P-15517)
1455.80	r (E-12979) (P-14137)	215.200	n (P-15517)
1455.90	n (E-13011) (P-14168)	215.300	n (P-15517)
1455.100	n (E-13011) (P-14168)	215.400	n (P-15517)
1455.110	n (E-13011) (P-14168)	215.500	n (P-15517)
1455.120	n (E-13011) (P-14168)	215.600	n (P-15517)
1455.130	n (E-13011) (P-14168)	215.Ap.A	n (P-15946)
1455.200	r (E-12979) (P-14137)	230.100	n (P-15946)
1455.210	r (E-13011) (P-14168)	230.200	n (P-15946)
1455.220	n (E-13011) (P-14168)	230.300	n (P-15946)
1455.230	n (E-12979) (P-14137)	230.400	n (P-15946)
1455.300	r (E-12979) (P-14137)	245.50	am (P-6825)
1455.305	r (E-13011) (P-14168)	245.72	am (P-3453/97;A-3948)
1455.310	r (E-13011) (P-14168)	250.310	am (P-6109)
1455.320	n (E-13011) (P-14168)	250.435	am (P-6088)
1455.330	r (E-12979) (P-14137)	250.1305	am (P-13264/97;A-9342)
1455.340	n (E-13011) (P-14168)	250.1320	am (P-13264/97;A-9342)
1455.350	n (E-13011) (P-14168)	250.1520	am (P-13264/97;A-9342)
1455.360	n (E-13011) (P-14168)	250.2140	am (P-13264/97;A-9342)
1455.370	n (E-13011) (P-14168)	260.1000	n (P-4373/97;A-3899)
1455.380	n (E-13011) (P-14168)	260.1050	n (P-4373/97;A-3899)
1455.390	n (E-13011) (P-14168)	260.1100	n (P-4373/97;A-3899)
1455.400	n (E-13011) (P-14168)	260.1200	n (P-4373/97;A-3899)
1455.410	n (E-13011) (P-14168)	260.1300	n (P-4373/97;A-3899)
1455.420	n (E-13011) (P-14168)	260.1400	n (P-4373/97;A-3899)
1455.430	n (E-13011) (P-14168)	260.1500	n (P-4373/97;A-3899)
1455.440	n (E-13011) (P-14168)	260.1600	n (P-4373/97;A-3899)
1455.450	n (E-13011) (P-14168)	260.1700	n (P-4373/97;A-3899)
1455.460	n (E-13011) (P-14168)	260.1800	n (P-4373/97;A-3899)
1455.470	n (E-13011) (P-14168)	260.1900	n (P-4373/97;A-3899)
1455.480	n (E-13011) (P-14168)	260.2000	n (P-4373/97;A-3899)
1455.490	n (E-13011) (P-14168)	260.2100	n (P-4373/97;A-3899)
1455.500	n (E-13011) (P-14168)	260.2200	n (P-4373/97;A-3899)
1455.510	n (E-13011) (P-14168)	260.2300	n (P-4373/97;A-3899)
1455.520	n (E-13011) (P-14168)	260.2400	n (P-4373/97;A-3899)
1455.530	n (E-13011) (P-14168)	260.2500	n (P-4373/97;A-3899)
1455.540	n (E-13011) (P-14168)	270.1200	am (P-4393/97;A-3933)
1455.550	n (E-13011) (P-14168)	280.101	r (P-11433/97;A-10623)

Title 77 (cont'd)			Title 77 (cont'd)		
465.180 n	(P-14166/97;A-14294)	518.1150 n	(P-13995/97;A-13756)	591.10 n	(P-11627/97; A-14485)
465.190 n	(P-14166/97;A-14294)	518.1200 n	(P-13995/97;A-13756)	591.20 n	(P-11627/97; A-14485)
465.200 n	(P-14166/97;A-14294)	518.1250 n	(P-13995/97;A-13756)	591.30 n	(P-11627/97; A-14485)
465.210 n	(P-14166/97;A-14294)	518.1300 n	(P-13995/97;A-13756)	591.40 n	(P-11627/97; A-14485)
465.220 n	(P-14166/97;A-14294)	518.1400 n	(P-13995/97;A-13756)	591.100 n	(P-11627/97; A-14485)
465.230 n	(P-14166/97;A-14294)	518.1500 n	(P-13995/97;A-13756)	591.110 n	(P-11627/97; A-14485)
465.240 n	(P-14166/97;A-14294)	518.1600 n	(P-13995/97;A-13756)	591.120 n	(P-11627/97; A-14485)
465.250 n	(P-14166/97;A-14294)	518.1650 n	(P-13995/97;A-13756)	591.130 n	(P-11627/97; A-14485)
465.300 n	(P-14166/97;A-14294)	518.1700 n	(P-13995/97;A-13756)	591.140 n	(P-11627/97; A-14485)
465.310 n	(P-14166/97;A-14294)	518.1750 n	(P-13995/97;A-13756)	600.110 am	(P-1717; A-14474)
465.320 n	(P-14166/97;A-14294)	518.1800 n	(P-13995/97;A-13756)	600.200 am	(P-1717; A-14474)
465.330 n	(P-14166/97;A-14294)	518.1850 n	(P-13995/97;A-13756)	600.210 am	(P-1717; A-14474)
465.340 n	(P-14166/97;A-14294)	518.1900 n	(P-13995/97;A-13756)	661.70 am	(P-8368)
465.350 n	(P-14166/97;A-14294)	518.1950 n	(P-13995/97;A-13756)	672.100 am	(P-2643;E-3127)
465.360 n	(P-14166/97;A-14294)	518.2000 n	(P-13995/97;A-13756)	672.220 am	(P-2643;E-3127)
465.370 n	(P-14166/97;A-14294)	518.2020 n	(P-13995/97;A-13756)	672.225 am	(P-2643;E-3127)
465.380 n	(P-14166/97;A-14294)	518.2030 n	(P-13995/97;A-13756)	672.515 am	(P-2643;E-3127)
465.390 n	(P-14166/97;A-14294)	518.2040 n	(P-13995/97;A-13756)	672.520 am	(P-2643;E-3127)
465.400 n	(P-14166/97;A-14294)	518.2050 n	(P-13995/97;A-13756)	672.600 am	(P-5801)
465.410 n	(P-14166/97;A-14294)	518.2060 n	(P-13995/97;A-13756)	675.10 am	(P-5801)
465.420 n	(P-14166/97;A-14294)	518.2070 n	(P-13995/97;A-13756)	675.15 am	(P-5801)
465.430 n	(P-14166/97;A-14294)	518.2080 n	(P-13995/97;A-13756)	675.20 am	(P-5801)
465 Ap.A n	(P-14166/97;A-14294)	518.2090 n	(P-13995/97;A-13756)	675.30 n	(P-5801)
510.130 am	(P-13279/97;A-7680)	518.2100 n	(P-13995/97;A-13756)	675.100 am	(P-5801)
510 Ap.A am	(P-13279/97;A-7680)	518.2110 n	(P-13995/97;A-13756)	675.110 am	(P-5801)
511.100 n	(E-13978)	518.2120 n	(P-13995/97;A-13756)	675.120 am	(P-5801)
511.110 n	(E-13978)	518.2130 n	(P-13995/97;A-13756)	675.140 am	(P-5801)
511.120 n	(E-13978)	518.2140 n	(P-13995/97;A-13756)	675.150 am	(P-5801)
511.130 n	(E-13978)	518.2150 n	(P-13995/97;A-13756)	675.200 am	(P-5801)
511.200 n	(E-13978)	518.2160 n	(P-13995/97;A-13756)	675.210 n	(P-5801)
511.300 n	(E-13978)	518.2170 n	(P-13995/97;A-13756)	675.220 n	(P-5801)
515.210 am	(P-3745; A-16543)	518.2180 n	(P-13995/97;A-13756)	675.230 n	(P-5801)
515.220 am	(P-3745; A-16543)	518.2190 n	(P-13995/97;A-13756)	675.240 n	(P-5801)
515.300 am	(P-3745; A-16543)	518.2200 n	(P-13995/97;A-13756)	675.250 n	(P-5801)
515.315 n	(P-3745; A-16543)	518.2210 n	(P-13995/97;A-13756)	675.300 n	(P-5801)
515.320 am	(P-14817/97;A-11835)	518.2220 n	(P-13995/97;A-13756)	680.10 r	(P-5812)
515.370 am	(P-14817/97;A-11835)	518.2230 n	(P-13995/97;A-13756)	680.20 r	(P-5812)
515.420 am	(P-14817/97;A-11835)	518.2240 n	(P-13995/97;A-13756)	681.30 r	(P-5789)
515.440 am	(P-14817/97;A-11835)	518.2250 n	(P-13995/97;A-13756)	681.10 r	(P-5789)
515.520 am	(P-14817/97;A-11835)	518.2b.A n	(P-13995/97;A-13756)	681.20 r	(P-5789)
515.540 am	(P-14817/97;A-11835)	518.2b.B n	(P-13995/97;A-13756)	681.30 r	(P-5789)
515.725 n	(P-14817/97;A-11835)	535.10 r	(P-11743/97; A-5321)	681.110 r	(P-5789)
515.2000 am	(P-3745; A-16543)	550.100 am	(P-11416/97;A-5047)	681.120 r	(P-5789)
515.2040 am	(P-14817/97;A-11835)	550.110 am	(P-11416/97;A-5047)	681.130 r	(P-5789)
515.2050 am	(P-14817/97;A-11835)	550.120 am	(P-11416/97;A-5047)	681.140 r	(P-5789)
515.2060 am	(P-14817/97;A-11835)	550.130 am	(P-11416/97;A-5047)	681.150 r	(P-5789)
515 Ap.C am	(P-14817/97;A-11835)	550 Ap.A n	(P-11416/97;A-5047)	681.160 r	(P-5789)
515 Ap.F am	(P-14817/97;A-11835)	560.100 n	(P-11482/97;A-5062)	681.170 r	(P-5789)
518.1000 n	(P-13995/97;A-13756)	560.120 n	(P-11482/97;A-5062)	685.10 am	(P-5816)
518.1050 n	(P-13995/97;A-13756)	560 Ap.A n	(P-11482/97;A-5062)	685.20 am	(P-5816)
518.1100 n	(P-13995/97;A-13756)	560 Ap.B n	(P-11482/97;A-5062)	685.110 am	(P-5816)
				685.115 n	(P-5816)

Title 77 (cont'd)		Title 77 (cont'd)		Title 77 (cont'd)	
860.II.B	r	(P-5698/97;A-8910)	920.II.C	am	(P-5018/97;A-3973)
	n	(P-5721/97;A-8863)	920.II.D	am	(P-5018/97;A-3973)
860.II.C	n	(P-5721/97;A-8863)	920.II.E	am	(P-5018/97;A-3973)
860.II.D	n	(P-5721/97;A-8863)	920.II.F	am	(P-5018/97;A-3973)
860.II.E	n	(P-5721/97;A-8863)	920.II.G	am	(P-5018/97;A-3973)
860.II.F	n	(P-5721/97;A-8863)	920.II.H	am	(P-5018/97;A-3973)
870.20	am	(P-17300)	920.II.I	n	(P-5018/97;A-3973)
870.30	am	(P-2530)(E-2626) (P-17300)	920.II.K	n	(P-5018/97;A-3973)
870.40	am	(P-17300)	920.II.L	n	(P-5018/97;A-3973)
870.50	am	(P-17300)	925.10	am	(P-5073/97;A-4028)
870.60	am	(P-17300)	925.15	am	(P-5073/97;A-4028)
870.Tb.A	am	(P-17300)	925.30	am	(P-5073/97;A-4028)
880.120	am	(P-6513)	925.40	am	(P-5073/97;A-4028)
880.210	am	(P-6513)	925.Tb.A	am	(P-5073/97;A-4028)
880.230	am	(P-6513)	1100.60	am	(P-9134)
880.430	am	(P-6513)	1100.70	am	(P-9134)
880.520	am	(P-6513)	1100.220	am	(P-9134)
880.630	am	(P-6513)	1100.221	am	(P-9134)
880.640	am	(P-6513)	1100.510	am	(P-9134)
880.650	am	(P-6513)	1100.520	am	(P-9134)
880.680	am	(P-6513)	1100.560	am	(P-9134)
880.1130	am	(P-6513)	1100.570	am	(P-9134)
880.1140	am	(P-6513)	1100.580	am	(P-9134)
880.1150	am	(P-6513)	1100.590	am	(P-9134)
880.1210	am	(P-6513)	1100.600	r	(P-9134)
880.1230	am	(P-6513)	1100.630	am	(P-9134)
880.Ap.A	am	(P-6513)	1100.660	am	(P-9134)
.Th.B	am	(P-6513)	1100.661	n	(P-9134)
.Th.M	am	(P-6513)	1100.680	am	(P-9134)
.Th.N	am	(P-6513)	1100.710	r	(P-9134)
.Th.O	am	(P-6513)	1100.720	am	(P-9134)
.Th.P	am	(P-6513)	1110.40	am	(P-9163)
905.15	am	(P-6595)	1110.60	am	(P-9163)
905.100	am	(P-6595)	1110.110	am	(P-9163)
915.10	am	(P-2847/97;A-4111)	1110.120	am	(P-9163)
915.20	am	(P-2847/97;A-4111)	1110.130	am	(P-9163)
915.40	am	(P-2847/97;A-4111)	1110.210	am	(P-9163)
920.10	am	(P-5018/97;A-3973)	1110.220	am	(P-9163)
920.15	am	(P-5018/97;A-3973)	1110.230	am	(P-9163)
920.30	am	(P-5018/97;A-3973)	1110.235	am	(P-9163)
920.40	am	(P-5018/97;A-3973)	1110.240	am	(P-9163)
920.60	am	(P-5018/97;A-3973)	1110.420	am	(P-9163)
920.70	am	(P-5018/97;A-3973)	1110.720	am	(P-9163)
920.80	am	(P-5018/97;A-3973)	1110.730	am	(P-9163)
920.90	am	(P-5018/97;A-3973)	1110.810	am	(P-9163)
920.100	am	(P-5018/97;A-3973)	1110.820	am	(P-9163)
920.120	am	(P-5018/97;A-3973)	1110.830	am	(P-9163)
920.130	am	(P-5018/97;A-3973)	1110.920	am	(P-9163)
920.180	am	(P-5018/97;A-3973)	1110.930	am	(P-9163)
920.II.A	am	(P-5018/97;A-3973)	1110.1010	am	(P-9163)
920.II.B	am	(P-5018/97;A-3973)	1110.1020	am	(P-9163)
	am	(P-5018/97;A-3973)	1110.1110	r	(P-9163)

TITLE 80		TITLE 83 (cont'd)	
150.210	am (P-15448/97; A-5092)	1600.100	n (P-11906/97; A-4116)
150.430	am (P-6376; A-18076)	1600.110	n (P-11906/97; A-4116)
302.270	am (P-7727; A-14735)	1650.290	am (P-17015/97; A-7243)
302.300	am (P-7727; A-14735)	1650.346	n (P-7243)
302.610	am (P-7727; A-14735)	1650.350	am (P-7243)
305.210	n (P-15858)	1650.356	n (P-9259/E-9374)
305.220	n (P-15858)	1650.356	n (P-12502)
310.70	am (P-7385; A-16158)	1650.357	am (E-13151)
310.100	am (P-7385; A-16158)	1650.360	n (P-15548)
310.110	am (P-12422/E-12607)	1650.360	am (P-17015/97; A-7243)
310.130	am (P-12422/E-12607)	1650.380	r (E-7314; O-9601; M-11640)
310.140	r (P-7385; A-16158)		(P-7138; M-11640)
310.230	am (P-14648/97; A-6204)		(P-7138; M-11640; A-15620)
310.270	am (P-16397)	1650.391	n (P-12502/E-13151)
		1650.392	n (P-12502/E-13151)
		1650.480	n (P-17015/97; A-7243)
		1650.575	n (P-17015/97; A-7243)
310.280	am (P-14648/97; A-6204)	1650.1000	n (P-17015/97; A-7243)
		1650.1010	am (P-17015/97; A-7243)
		1650.1030	am (P-17015/97; A-7243)
310.290	am (P-12422/E-12607)	1650.1040	am (P-17015/97; A-7243)
310.490	am (P-7385; A-16158)	1650.1050	am (P-17015/97; A-7243)
310.495	am (P-12422/E-12607)	2800.Ap.A	am (P-11665/E-12082)
310.530	am (P-12422/E-12607)	3000.220	am (P-4550; A-11713)
310.540	am (P-12422/E-12607)	3000.300	am (P-4550; A-11713)
310.Ap.A		3000.400	am (P-4550; A-11713)
Tb.A	am (PP-4326)	3000.Ap.A	am (P-4550; A-11713)
	(P-7385; A-16158)		
Tb.B	am (PP-4326)		
	(P-7385; A-16158)		
Tb.D	am (P-7385; A-16158)		
Tb.E	am (PP-7685)		
Tb.F	am (P-7385; A-16158)		
Tb.G	am (PP-5749) (P-16397)		
Tb.J	am (PP-7320)		
Tb.M	am (PP-7053)		
Tb.O	am (PP-7320)		
Tb.P	am (PP-15489)		
Tb.S	am (P-7385; A-16158)		
Tb.T	am (PP-5108)		
Tb.U	am (PP-5108)		
Tb.V	am (P-7385; A-16158)		
Tb.AA	am (PP-1593)		
Ap.B	am (P-12422/E-12607)		
Ap.C	am (P-12422/E-12607)		
Ap.D	am (P-12803/97; A-2580)		
	(P-12422/E-12607)		
Ap.G	am (P-12803/97; A-2580)		
	(P-12422/E-12607)		
1540.90	am (P-6622; A-15363)		
1540.140	am (P-13158/97; A-967)		
1540.250	am (P-13158/97; A-967)		
1540.255	n (P-13158/97; A-967)		

Title 89(cont'd)

112.9	am	(P-12386)	120.382	am	(P-12476)
112.52	am	(P-11290)	120.383	am	(P-12476)
112.68	am	(P-6024; A-14744)	120.384	am	(P-132; A-7003)
112.70	am	(P-13286)	121.7	am	(P-13264)
112.71	am	(P-13286)	121.22	am	(P-13264)
112.72	am	(P-13286)	121.57	am	(P-13264)
112.74	am	(P-13286)	121.60	am	(P-13264)
112.78	am	(P-4354; A-14420) (E-4466)	121.61	am	(P-13264)
	am	(P-13286) (E-18082)	121.63	am	(P-7361)
112.79	am	(P-6024; A-14744)	121.64	am	(P-13264)
112.80	am	(P-13286)	121.105	am	(P-13264)
112.110	am	(P-10987)	121.120	am	(P-11671) (E-12167)
112.255	r	(P-16135) (E-16365)	121.160	am	(P-13264)
112.305	am	(P-9102; A-16256)	121.162	am	(P-9654) (E-10660)
112.310	n	(P-11683) (E-12197)	121.164	am	(P-5410/97; A-5502)
113.40	am	(P-2513; A-13642)	121.166	am	(P-9654) (E-10660)
113.50	am	(P-2513; A-13642)	121.170	am	(P-5410/97; A-5502)
113.107	am	(P-15872)	121.172	am	(P-5410/97; A-5502)
113.111	am	(P-15872)	121.174	am	(P-5410/97; A-5502)
113.157	am	(P-11266)	121.176	am	(P-5410/97; A-5502)
113.158	n	(P-11266)	121.177	n	(P-9654) (E-10660)
113.309	r	(P-16131) (E-16348)	121.178	am	(P-5410/97; A-5502)
113.320	am	(P-10961)	121.179	am	(P-9654) (E-10660)
114.210	am	(P-10973)	121.180	re	(P-5410/97; A-5502)
114.220	am	(P-15901)	121.182	am	(P-8258; A-16230)
114.224	am	(P-15901)	121.184	am	(P-5410/97; A-5502)
114.406	r	(P-16133) (E-16356)	121.188	am	(P-9654) (E-10660)
114.408	n	(P-11279)	121.220	n	(P-5410/97; A-5502)
117.15	am	(P-8278; A-16251)	121.221	n	(P-9654) (E-10660)
117.53	am	(P-14060)	121.222	am	(P-5410/97; A-5502)
117.91	n	(P-10983)	121.223	n	(P-5410/97; A-5502)
118.500	n	(P-15514) (E-15724)	121.224	n	(P-5410/97; A-5502)
120.10	am	(P-9242)	121.225	n	(P-9654) (E-10660)
	am	(P-12476)	125.100	n	(P-15511) (E-15706)
120.11	am	(P-1103; A-8503) (E-1576)	125.110	n	(P-15511) (E-15706)
120.30	am	(P-12476)	125.200	n	(P-15511) (E-15706)
120.31	am	(P-1103; A-8503) (E-1576)	125.205	n	(P-15511) (E-15706)
120.60	am	(P-132; A-7003)	125.270	n	(P-15511) (E-15706)
	am	(P-12476)	125.280	n	(P-15511) (E-15706)
120.64	am	(P-1103; A-8503) (E-1576)	125.290	n	(P-15511) (E-15706)
120.73	am	(P-1103; A-8503) (E-1576)	125.240	n	(P-15511) (E-15706)
120.75	am	(P-1103; A-8503) (E-1576)	125.245	n	(P-15511) (E-15706)
120.90	am	(P-11679)	125.250	n	(P-15511) (E-15706)
120.314	am	(P-12476)	125.260	n	(P-15511) (E-15706)
120.347	am	(P-9242; A-16291)			
120.380	am	(P-1103; A-8503) (E-1576)			
	am	(P-12476)			
120.381	am	(P-1103; A-8503) (E-1576)			
	am	(P-12476) (P-16441) (E-16640)			

Title 89(cont'd)

125.300	n	(P-15511) (E-15706)	148.140	am	(P-13032/97; A-3083)
125.305	n	(P-15511) (E-15706)	148.270	am	(P-12471) (E-13070)
125.310	n	(P-15511) (E-15706)	148.295	am	(P-14613) (E-15027)
125.320	n	(P-15511) (E-15706)		am	(P-6081; A-11514)
125.330	n	(P-15511) (E-15706)	148.296	am	(P-12471) (E-13070)
125.340	n	(P-15511) (E-15706)	148.297	am	(P-12471) (E-13070)
125.400	n	(P-15511) (E-15706)	148.298	am	(P-12471) (E-13070)
125.420	n	(P-15511) (E-15706)	149.50	am	(P-12468) (E-13064)
125.440	n	(P-15511) (E-15706)	153.100	am	(P-7888; A-16285)
125.440	n	(P-15511) (E-15706)	153.125	am	(P-12474) (E-13114)
130.2070	am	(P-11847)	160.10	am	(P-16966)
140.2	am	(P-152; A-7024)	160.20	am	(P-16966)
	am	(P-13757/97; A-4412)	160.30	am	(P-6050; A-14895)
140.12	am	(P-152; A-7024)	160.10	am	(P-16966)
140.40	am	(P-14239)	160.10	am	(P-16966)
140.413	am	(P-13757/97; A-1416)	160.10	am	(P-16966)
	am	(P-12399/97; M-6251)	160.10	am	(P-16966)
140.451	n	(P-7534; A-16302)	160.10	am	(P-16966)
140.461	am	(P-11005) (E-13117)	160.10	am	(P-16966)
140.463	am	(P-11005) (E-13117)	160.10	am	(P-16966)
140.470	am	(P-11889/97; A-1416)	160.10	am	(P-16966) (E-17046)
140.471	am	(P-11889/97; A-1416)	160.20	am	(P-16966) (E-17046)
140.472	am	(P-11889/97; A-1416)	160.60	am	(P-16966) (E-17046)
140.474	am	(P-11889/97; A-1416)	160.61	am	(P-16966) (E-17046)
140.539	am	(P-3727; A-10606)	160.65	am	(P-16966) (E-17046)
144.100	am	(P-14039)	160.70	am	(P-16966) (E-17046)
144.275	am	(P-6033/97; A-9287)	160.75	am	(P-16966) (E-17046)
144.300	am	(P-6033/97; A-9287)	160.88	n	(P-16966) (E-17046)
144.325	am	(P-6033/97; A-9287)	160.110	am	(P-16966) (E-17046)
146.125	am	(P-12499) (E-13146)	160.130	am	(P-16966) (E-17046)
146.130	am	(P-12499) (E-13146)	165.10	am	(P-10969)
146.200	n	(P-13760/97; A-4430) (E-13875)	220.600	am	(P-9890/97; A-3426)
146.205	n	(P-13760/97; A-4430) (E-13875)	220.605	am	(P-9890/97; A-3426)
146.210	n	(P-13760/97; A-4430) (E-13875)	220.610	am	(P-9890/97; A-3426)
146.215	n	(P-13760/97; A-4430) (E-13875)	220.615	r	(P-9890/97; A-3426)
146.220	n	(P-13760/97; A-4430) (E-13875)	220.620	r	(P-9890/97; A-3426)
146.225	n	(P-13760/97; A-4430) (E-13875)	220.625	r	(P-9890/97; A-3426)
146.230	n	(P-13760/97; A-4430) (E-13875)	220.630	am	(P-9890/97; A-3426)
146.235	n	(P-13760/97; A-4430) (E-13875)	220.635	am	(P-9890/97; A-3426)
146.240	n	(P-13760/97; A-4430) (E-13875)	220.640	am	(P-9890/97; A-3426)
146.245	n	(P-13760/97; A-4430) (E-13875)	220.645	am	(P-9890/97; A-3426)
146.250	n	(P-13760/97; A-4430) (E-13875)	220.650	am	(P-9890/97; A-3426)
146.255	n	(P-13760/97; A-4430) (E-13875)	220.655	am	(P-9890/97; A-3426)
146.260	n	(P-13760/97; A-4430) (E-13875)	220.660	am	(P-9890/97; A-3426)
146.265	n	(P-13760/97; A-4430) (E-13875)	220.665	r	(P-9890/97; A-3426)
146.270	n	(P-13760/97; A-4430) (E-13875)	220.670	am	(P-9890/97; A-3426)
146.275	n	(P-13760/97; A-4430) (E-13875)	220.675	n	(P-9890/97; A-3426)
146.280	n	(P-13760/97; A-4430) (E-13875)	230.610	am	(P-9917/97; A-3454)
146.285	n	(P-13760/97; A-4430) (E-13875)	230.650	am	(P-9917/97; A-3454)
148.25	am	(P-11881/97; A-1408)	240.230	am	(P-9623)
148.82	am	(P-8356; A-16273)	240.260	am	(P-15753)
148.120	am	(P-12471) (E-13070)	240.400	am	(P-15753)

Title 89 (cont'd)		r	(P-7736)	305.100	r	(P-7736)	Title 89 (cont'd)		r	(P-6286/97;A-10329)(E-9151) (O-11985)(M-14379)	
240.410	am	(P-15753)		305.110	r	(P-7736)	316.20	n	(P-8597)	401.13	r
240.480	am	(P-15753)		305.120	r	(P-7736)	316.30	n	(P-8597)	401.14	r
240.715	am	(P-15753)		305.130	r	(P-7736)	316.40	n	(P-8597)	401.15	r
240.1010	am	(P-15753)		305.140	r	(P-7736)	316.50	n	(P-8597)	401.16	r
240.1400	am	(P-9879/97;A-3415)		309.10	n	(P-6349/97;A-8769)	316.60	n	(P-8597)	401.17	r
240.1410	am	(P-9879/97;A-3415)		309.20	n	(P-6349/97;A-8769)	316.70	n	(P-8597)	401.18	r
240.1410	am	(P-9879/97;A-3415)		309.30	n	(P-6349/97;A-8769)	316.80	n	(P-8597)	401.19	r
240.1430	am	(P-9879/97;A-3415)		309.40	n	(P-6349/97;A-8769)	316.90	n	(P-8597)	401.20	r
240.1440	am	(P-15753)		309.50	n	(P-6349/97;A-8769)	316.100	n	(P-8597)	401.21	r
240.1510	am	(P-9623)		309.60	n	(P-6349/97;A-8769)	316.110	n	(P-8597)	401.22	r
240.1520	am	(P-9623)		309.70	n	(P-6349/97;A-8769)	316.120	n	(P-8597)	401.23	r
240.1535	am	(P-15753)		309.80	n	(P-6349/97;A-8769)	316.130	n	(P-8597)	401.24	r
240.1550	am	(P-9623)		309.90	n	(P-6349/97;A-8769)	316.140	n	(P-8597)	401.25	r
240.1555	am	(P-9623)		309.100	n	(P-6349/97;A-8769)	328.1	am	(P-16691)	401.26	r
240.1560	am	(P-9623)		309.110	n	(P-6349/97;A-8769)	328.2	am	(P-16691)	401.27	r
240.1565	am	(P-9623)		309.120	n	(P-6349/97;A-8769)	328.3	am	(P-16691)	401.28	r
240.1580	am	(P-9623)		309.130	n	(P-6349/97;A-8769)	328.4	am	(P-16691)	401.29	r
240.1605	am	(P-9623)		309.140	n	(P-6349/97;A-8769)	328.5	am	(P-16691)	401.30	n
240.1620	am	(P-15753)		309.150	n	(P-6349/97;A-8769)	328.100	n	(P-16691)	401.31	n
240.1650	am	(P-15753)		309.160	n	(P-6349/97;A-8769)	328.110	n	(P-16691)	401.32	n
240.1655	r	(P-15753)		309.170	n	(P-6349/97;A-8769)	328.120	n	(P-16691)	401.33	n
240.1660	am	(P-15753)		309.180	n	(P-6349/97;A-8769)	328.130	n	(P-16691)	401.34	n
240.1661	am	(P-15753)		309.190	n	(P-6349/97;A-8769)	328.140	n	(P-16691)	401.35	n
240.1665	am	(P-15753)		315.10	n	(P-7770)	352.2	am	(P-8726/97;A-6963)	401.36	n
240.1710	am	(P-9879/97;A-3415)		315.20	n	(P-7770)	352.3	am	(P-8726/97;A-6963)	401.37	n
240.1720	am	(P-15753)		315.30	n	(P-7770)	352.4	am	(P-8726/97;A-6963)	401.38	n
240.1800	am	(P-15753)		315.40	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.39	n
240.1930	am	(P-9623)		315.50	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.40	n
300.20	am	(P-7802)		315.60	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.41	n
300.20	am	(P-7802)		315.70	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.42	n
300.110	am	(P-7802)		315.80	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.43	n
300.120	am	(P-7802)		315.90	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.44	n
300.160	am	(P-7802)		315.100	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.45	n
300.170	n	(P-7802)		315.110	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.46	n
302.300	r	(P-6375/97;A-8803)		315.120	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.47	n
302.305	am	(P-6375/97;A-8803)		315.130	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.48	n
302.310	am	(P-7424)		315.140	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.49	n
302.315	r	(P-6375/97;A-8803)		315.150	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.50	n
302.405	am	(P-7424)		315.160	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.51	n
302.405	am	(P-7424)		315.170	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.52	n
302.405	am	(P-7424)		315.180	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.53	n
302.405	am	(P-7424)		315.190	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.54	n
302.405	am	(P-7424)		315.200	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.55	n
302.405	am	(P-7424)		315.210	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.56	n
302.405	am	(P-7424)		315.220	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.57	n
302.405	am	(P-7424)		315.230	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.58	n
302.405	am	(P-7424)		315.240	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.59	n
302.405	am	(P-7424)		315.250	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.60	n
302.405	am	(P-7424)		315.260	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.61	n
302.405	am	(P-7424)		315.270	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.62	n
302.405	am	(P-7424)		315.280	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.63	n
302.405	am	(P-7424)		315.290	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.64	n
302.405	am	(P-7424)		315.300	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.65	n
302.405	am	(P-7424)		315.310	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.66	n
302.405	am	(P-7424)		315.320	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.67	n
302.405	am	(P-7424)		315.330	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.68	n
302.405	am	(P-7424)		315.340	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.69	n
302.405	am	(P-7424)		315.350	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.70	n
302.405	am	(P-7424)		315.360	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.71	n
302.405	am	(P-7424)		315.370	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.72	n
302.405	am	(P-7424)		315.380	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.73	n
302.405	am	(P-7424)		315.390	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.74	n
302.405	am	(P-7424)		315.400	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.75	n
302.405	am	(P-7424)		315.410	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.76	n
302.405	am	(P-7424)		315.420	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.77	n
302.405	am	(P-7424)		315.430	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.78	n
302.405	am	(P-7424)		315.440	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.79	n
302.405	am	(P-7424)		315.450	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.80	n
302.405	am	(P-7424)		315.460	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.81	n
302.405	am	(P-7424)		315.470	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.82	n
302.405	am	(P-7424)		315.480	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.83	n
302.405	am	(P-7424)		315.490	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.84	n
302.405	am	(P-7424)		315.500	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.85	n
302.405	am	(P-7424)		315.510	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.86	n
302.405	am	(P-7424)		315.520	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.87	n
302.405	am	(P-7424)		315.530	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.88	n
302.405	am	(P-7424)		315.540	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.89	n
302.405	am	(P-7424)		315.550	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.90	n
302.405	am	(P-7424)		315.560	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.91	n
302.405	am	(P-7424)		315.570	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.92	n
302.405	am	(P-7424)		315.580	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.93	n
302.405	am	(P-7424)		315.590	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.94	n
302.405	am	(P-7424)		315.600	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.95	n
302.405	am	(P-7424)		315.610	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.96	n
302.405	am	(P-7424)		315.620	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.97	n
302.405	am	(P-7424)		315.630	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.98	n
302.405	am	(P-7424)		315.640	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	401.99	n
302.405	am	(P-7424)		315.650	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.00	n
302.405	am	(P-7424)		315.660	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.01	n
302.405	am	(P-7424)		315.670	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.02	n
302.405	am	(P-7424)		315.680	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.03	n
302.405	am	(P-7424)		315.690	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.04	n
302.405	am	(P-7424)		315.700	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.05	n
302.405	am	(P-7424)		315.710	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.06	n
302.405	am	(P-7424)		315.720	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.07	n
302.405	am	(P-7424)		315.730	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.08	n
302.405	am	(P-7424)		315.740	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.09	n
302.405	am	(P-7424)		315.750	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.10	n
302.405	am	(P-7424)		315.760	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.11	n
302.405	am	(P-7424)		315.770	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.12	n
302.405	am	(P-7424)		315.780	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.13	n
302.405	am	(P-7424)		315.790	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.14	n
302.405	am	(P-7424)		315.800	n	(P-7770)	352.7	am	(P-8726/97;A-6963)	402.15	n
302.405	am	(

Title 89 (cont'd)		Title 89 (cont'd)	
617.10 am	(P-15887)	750.200 n	(P-16783)
617.20 am	(P-15887)	750.210 n	(P-16783)
617.30 am	(P-15887)	750.220 n	(P-16783)
617.55 am	(P-15887)	750.230 n	(P-16783)
650.130 am	(P-14073)	750.240 n	(P-16783)
676.30 am	(P-7827)	750.250 n	(P-16783)
677.20 am	(P-17199)	750.300 n	(P-16783)
677.30 am	(P-17199)	750.310 n	(P-16783)
677.40 am	(P-17199)	750.320 n	(P-16783)
677.50 am	(P-17199)	750.330 n	(P-16783)
677.90 am	(P-17199)	751.10 n	(P-16722)
677.200 am	(P-17199)	755.5 n	(P-16700)
679.50 am	(P-2068;A-10445;(E-2328)	755.10 am	(P-16700)
	(P-15889;(E-16031)	755.15 n	(P-16700)
	(P-2623;97;A-2226)	755.20 am	(P-16700)
682.210 am	(P-8634)	755.22 am	(P-16700)
684.10 am	(P-8634)	755.25 am	(P-16700)
684.60 am	(P-8634)	755.27 n	(P-16700)
684.80 am	(P-8634)	755.30 am	(P-16700)
684.100 am	(P-8634)	755.40 am	(P-16700)
686.10 am	(P-8272)	755.50 am	(P-16700)
686.25 n	(P-14518)	755.60 r	(P-16700)
686.250 n	(P-14518)	755.70 r	(P-16700)
686.260 n	(P-14518)	755.80 r	(P-16700)
686.280 n	(P-14518)	755.90 am	(P-16700)
686.900 n	(P-7832)	755.100 am	(P-16700)
686.910 n	(P-7832)	755.230 r	(P-16700)
686.920 n	(P-7832)	755.240 r	(P-16700)
686.930 n	(P-7832)	755.250 r	(P-16700)
686.940 n	(P-7832)	755.260 r	(P-16700)
688.10 am	(P-2945;97;A-5890)	760.10 r	(P-16779)
688.20 am	(P-2945;97;A-5890)	760.20 r	(P-16779)
688.30 am	(P-2945;97;A-5890)	760.40 r	(P-16779)
688.40 am	(P-2945;97;A-5890)	765.10 am	(P-16848)
716.100 r	(P-7820)	765.20 am	(P-16848)
716.200 r	(P-7820)	765.30 am	(P-16848)
716.300 r	(P-7820)	765.40 am	(P-16848)
716.400 r	(P-7820)	765.50 am	(P-16848)
716.400 r	(P-7820)	765.60 am	(P-16848)
716.500 r	(P-7820)	765.70 r	(P-16848)
716.600 r	(P-7820)	765.80 r	(P-16848)
750.10 am	(P-16783)	765.90 r	(P-16848)
750.20 am	(P-16783)	765.100 n	(P-16848)
750.30 am	(P-16783)	765.110 n	(P-16848)
750.40 n	(P-16783)	765.120 n	(P-16848)
750.50 n	(P-16783)	765.130 n	(P-16848)
750.60 n	(P-16783)	765.140 n	(P-16848)
750.100 n	(P-16783)	765.200 n	(P-16848)
750.110 n	(P-16783)	765.210 n	(P-16848)
750.120 n	(P-16783)	765.220 n	(P-16848)
		765.230 n	(P-16848)
		765.300 n	(P-16848)
		765.310 n	(P-16848)

Title 92 (cont'd)	
1710.81	am (P-13960/97; A-16200)
1710.91	am (P-13960/97; A-16200)
1710.92	am (P-13960/97; A-16200)
1710.93	am (P-13960/97; A-16200)
1710.100	am (P-13960/97; A-16200)
1710.120	am (P-13960/97; A-16200)
1710.122	am (P-13960/97; A-16200)
1710.123	am (P-13960/97; A-16200)
1710.130	am (P-13960/97; A-16200)
1710.133	am (P-13960/97; A-16200)
1710.134	am (P-13960/97; A-16200)
1710.140	am (P-13960/97; A-16200)
1710.141	n (P-13960/97; A-16200)
1710.142	n (P-13960/97; A-16200)
1710.143	n (P-13960/97; A-16200)
1710.144	n (P-13960/97; A-16200)
1710.145	n (P-13960/97; A-16200)
1710.146	n (P-13960/97; A-16200)
1710.150	am (P-13960/97; A-16200)
1710.151	am (P-13960/97; A-16200)
1710.170	am (P-13960/97; A-16200)
1710.180	am (P-13960/97; A-16200)
1720.10	r (P-13955/97; A-16228)
1730.15	r (P-13955/97; A-16198)
1730.20	r (P-13955/97; A-16198)
1730.30	r (P-13955/97; A-16198)
1730.40	r (P-13955/97; A-16198)
1730.50	r (P-13955/97; A-16198)
1730.60	r (P-13955/97; A-16198)
1740.10	r (P-13986/97; A-16226)
1740.20	r (P-13986/97; A-16226)
1740.30	r (P-13986/97; A-16226)
1740.40	r (P-13986/97; A-16226)
1740.50	r (P-13986/97; A-16226)
1740.60	r (P-13986/97; A-16226)

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